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ABSTRACT

This document proposes a direction and strategies for using a total quality management approach to develop and implement standards for evaluating vocational education students and assessing programs throughout Michigan. Discussed in part 1 are the following: the terms "standards," "assessments," and "certification"; the need for skill standards; standards, assessments, and certification needed for the school-to-work transition; and skills needed for high-performance workplaces. In part 2, the role of standards and assessments in an adaptive system is outlined along with strategies for implementing and building quality into a system of education for work. Part 3 is a plan for building an education-for-work system. Described in part 4 are selected standard and assessment initiatives and activities of possible significance to current developments/implementation plans. Concluding the document are six recommendations of the Michigan Council on Vocational Education regarding developing a certification and assessment system for public education in Michigan. Appendixes constituting 50% of the document contain the following: discussion of standards in the Job Training Partnership Act; chart summarizing assessment/evaluation activities planned for 1995-1998; and texts of Section 104A of Public Act 130 and Public Act 289 of 1995, which amends the 1976 act governing public instruction in Michigan. (MN)

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STANDARDS AND ASSESSMENTS

"A Working Paper"

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Standards And Assessments
"A Working Paper"
February, 1996

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PREFACE

The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 require the Michigan State Board of Education to establish a Council representing citizens and groups in the State interested in Vocational Education. The Council's role is to provide autonomous citizen evaluation and oversight of federally-supported Vocational Education efforts in Michigan. In Michigan the Council is referred to as the Michigan Council on Vocational Education (MCOVE).

The Standards and Assessments document fulfills the Perkin's mandate of Title I, Part B, State Organization and Planning Responsibilities: Section 116 and 117, State Assessment and Program Evaluation and Improvement.

The report represents a direction and provides strategies for the need to implement Industry-driven standards in a customer-goal system. The presentation of an Adapted System originating from a Total Quality Management (TQM) approach has implications for State policy which considers individual self-sufficiency as an ultimate goal for education.

Special thanks is extended, in addition to the 1994-95 and 1995-96 Council on Vocational Education, to the following persons: Bradley Dyer, Chairperson of the 1994-95 Evaluation Committee, who oversaw the completion of the paper; Patricia Hall, Chairperson of the 1995-96 Evaluation Committee, who assisted with the editing of the final report; Ross Dailey, writer; Bill Weisgerber, contributor; Michael Guthrie, contributor; Gloria Kielbaso, contributor; and John MacKenzie, contributor. Special gratitude is extended to both the former Executive Director of MCOVE, Barbara Atkins, and Michael Urbach who assisted with the initial evolution and shaping of the report. A thank you is also extended to the following: MSU Professor, David Cooper, and Leroy L. Colson, Michael C. Hudson, and Nathan C. Leeds, students from Michigan State University who assisted with editing selected sections of the report.

Lastly, a note of appreciation is extended to the MCOVE staff: Virginia Yoder, Secretary; Suzanne Branoff and Janise Gardner, Administrative Support Staff; and Mary F. Miller, Executive Director.

INTRODUCTION

Over the last several years, there have been many initiatives concerning standards and assessments in Education. Standards and assessments are being proposed, developed, and implemented at all levels, throughout Education. The Michigan Council on Vocational Education *acknowledges the need for a direction* that would optimize standard and assessment initiatives.

In this document, such a direction is proposed. The perspective borrows heavily from systems analysis and total quality management primarily *to provide structure and direction.* The basic premises of the School-To-Work educational reform movement are established in federal legislation. The goal of this movement is the restructuring of American Education. This ensures all students will complete their formal schooling with the knowledge and skills they need to achieve economic self-sufficiency.

American Education can only be made to achieve this goal if it is based on a *common set of standards.* These standards are related directly to the students' ability to exhibit economic self sufficiency. Education must develop a *system of assessments* to measure achievement of these standards. Then a *system of certification* to verify students' mastery of those competencies tied to standards must be established.

Part I of this document will define those standards, assessments, and certifications. The goals of the School-To-Work (STW) reform movement will be examined. Standards, assessments, and certifications necessary to achieve the goals of School To Work will be addressed. Part II details a conceptual approach to standards and assessments and describes how they could function within a customer-driven education system. Part III presents a plan for building an ideal Education-for-Work System. Part IV describes selected standard and assessment initiatives and activities which could be significant for current developments and implementation plans.

Conclusions and recommendations follow the presentation, and lessons learned from the Job Training Partnership Act about performance standards are included in the Appendix.

EXECUTIVE SUMMARY

As leaders in the field of education and industry, we are committed to the principle that every individual is entitled to the opportunity to engage in meaningful and productive work--and that every citizen of Michigan should be given the opportunity to obtain the education and training needed to reach his or her potential.

Human capital is Michigan's most valuable economic resource. Human resource development and economic development go hand in hand. To develop a state-wide system that will prepare our citizens for meaningful careers and workplace readiness, the public, private business, industry, and education for the workplace must complement each other while effectively developing Michigan's workforce. Workplace expectations/needs must be clearly defined. Those expectations/needs must be translated into an effective educational program.

The problem lies in the lack of connection between skills needed in the workplace and those imparted through education and training. Businesses today are competing in an entirely different environment. They must consider global markets and opportunities and an increased emphasis on quality and customization. With the mobility of capital and technology it is easy to replicate the factors of production anywhere in the world with one exception--workforce skills. The country needs skill standards to be the key components of a quality assurance system for public education and workforce development programs that shift the focus from inputs to results.

All industry and business functions and activities require competencies which must have a standard to determine acceptability. Those standards ensure accurate communication among employees, workers, students, and educational institutions. Industry can inform training providers and prospective employees of skills required for employment; and organized labor can increase the employment security of members through access to competency-based training and certification.

Skill standards are competency units which include a description of the segment of work for which the standard applies while also listing the essential knowledge, skills, and behaviors critical to that work segment. An assessment measures the achievement of that workplace skill standard. Certification accredits the process with a credential certifying satisfactory completion. Skill standards become a tool to promote the adoption of contextual learning approaches.

Many educational reform efforts attempted to answer the questions raised in the "Nation at Risk" report in quantitative rather than qualitative terms--with longer school days or additional graduation requirements. With the passage of Goals 2000, Educate America Act (April, 1994) and the School to Work Opportunities Act (June, 1994), the National Education Standards Improvement Council evolved and workplaces became active learning environments and joint partners in an organized and comprehensive system to help young people prepare for and enter the workforce. Title V of the

Goals 2000 Act established the National Skill Standard Board to ensure a framework for the development and implementation of a national system of voluntary skill standards.

Education for the workplace is goal-driven and capable of adjusting itself to changing environmental conditions. This system was initially called an adaptive system which included inputs, processing, outputs (results), customer considerations, and, of course, goals. Internal and external feedback were essential components which provided standards with a reflection of the system goals. Assessment provided the information on how well goals were being fulfilled. The customers, particularly the business community, must be pleased, or education for the workplace will cease to exist.

An adaptive education for work system is compatible with a Total Quality Management (TQM) approach and a system of input and output standards as they relate to performance. A goal of education is to promote economic self-sufficiency and promoting that goal is the significant characteristic of education for the workplace. Building quality into an education for the workplace system requires that the product (the graduate or the worker) must be of value to the customer. The management theorist and founder of the TQM movement, Mr. W. Edwards Deming, considered a skilled worker to be the system's product and employers to be the key customers of this product.

The plan for building an education for work system based on standards, assessment, and certification would be to: 1) institutionalize system goals; 2) establish standards that reflect those goals; 3) devise assessments to measure success in achieving standards; and 4) continually improve itself by reacting to assessment results and market research. The Perkins Act standards and assessment provisions, President Clinton's Goals 2000, and the recommendations of the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS) emphasized investigating and attending to the needs of employers, yet did not appear to ensure that students are passed through an education system acquiring workplace skills.

The New Standards Project (University of Pittsburgh) promises authentic forms of assessment, as do alternative assessment concepts (group assessments and supervised internships). Portfolios, which are part of the New Standards Project, allows for a continual inspection of student competency. Commercial initiatives (Pacesetters, Work Keys, and Worklink) provide useful tools for ensuring that students acquire the skills that employers want. However, the Student Occupational Competency Achievement Testing System and the Vocational-Technical Education Consortium of States (V-TEC) assessments are also available.

The National Skills Standards Board provision of the Goals 2000 legislation is a coordinating body which can act and coordinate with the School to Work Opportunities Act, reducing duplication among the many standard and assessment activities, particularly where there is constant gathering of, and reaction to, external and internal feedback.

If public school graduates are to obtain the skills and knowledge they will need to enter and succeed in the present and future workforce, a focus on promoting economic self-sufficiency is necessary. The public education system must develop a common set of standards and a system of assessments and certification tied to those standards. Promoting economic self-sufficiency will require program design and instructional environment changes in the present educational system policy. **MCOVE takes the position that this necessary reform of Michigan's Public Education can best occur within the context of Michigan's School to Work Implementation Initiative**. This document includes the following recommendations:

1. The State Board of Education should develop and adopt policy to support the *promotion of economic self-sufficiency* as one of the primary goals of public Education in Michigan.

2. Through the use of available resources like professional development funds, local School-To-Work funds, and Michigan Department of Education technical assistance, the State Board of Education should: 1) affirm that school to work implementation is supported as the school reform mechanism for creating a system of education for economic self-sufficiency; and 2) ensure that other school reform initiatives are integrated into and made a part of the School-to-Work system.

3. The State Board of Education should establish a formal, State-level system for the development of industry and occupation-specific skill standards. Development, verification, and updating of such standards should be accomplished by private sector (Business and Labor) bodies established and supported by the State. Such a system should be responsible for developing and updating skill standards by Industry and for designing authentic assessments measuring achievement of standards which lead to certification.

4. The State Board of Education should tie the endorsed diploma to State-level skill standards. An endorsement should be granted only when competencies that are tied to State-level skill standards have been achieved, mastered, and demonstrated through assessment.

5. The State Board of Education should establish policy recognizing the role of the State in: 1) setting skill standards tied to economic self-sufficiency; 2) developing assessments to measure achievement of those standards; and 3) promoting an endorsed diploma credentialing system that documents this achievement.

6. The State Board of Education should develop policy recognizing that development of curriculum and interim assessments (short of State-level assessments tied to skill standard certification) is a regional or local district responsibility, with technical assistance from the State as needed and requested.

PART I

Defining "Standards," "Assessments," and "Certification"

A standard is a point on a continuum for some variable that draws a line between acceptable quality and unacceptable quality. For example, a keyboarding instructor may determine that acceptable proficiency, at the end of a semester, would be demonstrated by keyboarding a text for ten minutes with five or fewer errors. Ten minutes with five or fewer errors *is the instructor's standard.* Ten minutes with more than five errors is *unacceptable* quality. A second example: A policymaker may establish a 91% retention rate as a standard in a school district for the proportion of entering ninth graders who are still in school three and a half years later when they graduate. Ninety-one percent or more is *acceptable*; less than 91% is *unacceptable.*

The words "*acceptable*" and "*unacceptable*" imply a different course of action: The keyboarding instructor will grade students meeting the standard differently from those who do not meet the standard. Likewise the policymaker may fund and manage standard-making districts differently from those that do not make the standard.

An assessment is the logical companion of a standard. An assessment is a process that lets one know whether or not a standard has been achieved. It is simply a measure of the variable to which a standard is applied. The keyboarding instructor's assessment may consist of placing the student at a keyboard, giving her or him copy, and telling the student, "Keyboard this as fast as you can with no more than five errors." The policymaker's assessment may consist of an inspection of a district's enrollment and attrition records, one possible indicator of success of the district's retention program.

A certification is viewed as a "new certificate" (different from the traditional high school diploma) or credential which serves as a document verifying, as a result of the assessment, the achievement of those skills that make up the specific standards. The *certification* is, therefore, issued as a result of satisfactory completion and demonstration of a prescribed amount of learning (standards) established for meeting certificate requirements.

The Need for Skill Standards

For decades America has held the competitive advantage in the world marketplace on the basis of superior mass production. Now we find ourselves in a new economic environment where this strategy is no longer sufficient to ensure our continued success. With the increased mobility of capital and technology, it is easy to replicate the factors of production anywhere in the world, with one exception--workforce skills.

Our problem stems from a lack of connection between the skills needed in the workplace and the skills imparted through education and training. We are further hindered by the limited range of nationally recognized credentials; these are usually reserved for the college-educated, with few options for the 75% of Americans who do not obtain a four-year degree. This results in increased hiring and training costs, restricted employment opportunities, lack of quality assurance and a *direct challenge in America's ability to compete.*

Skill standards must be the *key components of quality assurance systems* for public education and workforce development programs that shift focus from inputs to results. We need skill standards that: a) are written in a language commonly understood and used by everyone; b) will provide a series of *benchmarks* as signaling devices for those stakeholders supporting career development; c) will promote adoption of contextual learning approaches; d) will integrate academic and workplace related instruction; and e) are based on specific industry standards established by the private sector. Educational and workplace reform will be more crucial to our economic survival if our workforce skills and competitive levels are developed and maintained.

Standards for Competencies in all Aspects of an Industry

Skill standards include a description of the segment of work for which the standard applies while also listing the essential knowledge and skills. These standards ensure accurate communication among employees, educators, trainers, and workers regarding the skills needed and the skills possessed. If industry and business can describe the settings in which the skills are needed, the skill standards could be tailored to suit any occupational subject. These newly-developed standards need to be recognized world-wide as meeting the needs of business and industry.

Technical and production skills vary widely across industries. These are industry-specific and are best covered traditionally. As a result, standards and measures are in place for the evaluation of technical and production skills. Competency must be demonstrated under conditions that are similar to those under which the competency will normally be practiced. Likewise, assessment of the industry-defined standards must measure the *practical application of knowledge, skills, and behaviors.*

School Reform and the School to Work Opportunities Act

Over the last decade, states have debated what constitutes true educational reform. Many reform efforts were passed to answer the questions raised in the "Nation at Risk" report. However, most of the reform was defined *in quantitative rather than qualitative terms*--longer school days, a longer school year, or additional graduation requirements.

School reform, initiatives, legislation, and the linking of reform and school to work opportunities along with standards, assessment, and certification may be best described as follows:

1. Initiatives of School Reform:

Six years after the "Nation at Risk" report, an Education Summit of our nation's governors gathered and developed six national education goals for the public schools in this country. Those goals and two more were included in Goals 2000: Educate America Act signed by President Clinton in April, 1994. It established the National Skill Standards Board to promote the development of a national system of voluntary, industry-based skill standards. Michigan's Legislature codified its own version of education reform into law with Public Act 25 in 1990 to specifically raise the standards for public schools and improve the quality of education for each Michigan student.

The State Board's role was to develop a model for schools to follow, identifying learning expectations for students rather than a set of courses to be offered. Three years later the Michigan legislature modified and enhanced some of the P.A. 25 quality initiatives through Public Act 335 and 336, the most notable changes being the requirement of a core academic curriculum. Section 1278 language of PA 289 (December of 1995) which takes effect July 1, 1996, states that:

> Recommended model core academic curriculum content standards shall be developed and periodically updated by the State Board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the State. The recommended model core academic curriclum content standards shall set forth desired learning objectives in math, science, reading history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts for all children. The State Board also shall ensure that the Michigan educational assessment program and the high school proficiency exam are based on the state recommended model core curriculum content standards, are testing only for proficiency in basic academic skills and academic subject matter, and are not used to measure pupils' values or attitudes.

Section 1278 removes the State mandated core curriculum (returning to a locally-adopted curriculum State model).

2. Initiative--School to Work legislation:

Congress appropriated early School to Work funds for planning and implementation grants. All fifty States applied. In June, 1994, President Clinton signed the School-to-Work Opportunities Act. Michigan became one of eight States selected under the new Act to pilot first-round implementation activities. Michigan was awarded a $49 million federal grant over a five-year period. Under the STW legislation, *workplaces became active learning environments*, and employers and unions became joint partners with educators and the community. Using federal planning grant funds, the State has defined 45 partnerships, covering all labor market areas in the State. Operation of School to Work is the responsibility of the local partnerships which assess current activity and develop five-year plans. Implementation monies are given to local partnerships which have developed an approved plan and involved stakeholders. All partnerships will receive technical assistance to help them meet state criteria in order to receive an implementation grant. Together, in an organized and comprehensive system, these partners help young people prepare for entrance into the workforce of a highly competitive global economy.

3. Linking Reforms and School-To-Work:

The School-To-Work transition means significant change in instructional delivery and student learning. It involves *systemic restructuring* (called for in Goals 2000) and encourages states to coordinate their STW plans with their overall education reforms. Because of Goals 2000, work-based and school-based training can culminate in the award of a skills certificate with a high school diploma that verifies the graduate has attained marketable, real world job skills. The skills certificate will give students *an industry-recognized credential* indicating mastery of skills in specific industry occupations. The STW Act asks States to coordinate their school to work plans with the overall education reforms. The aim is to promote greater coherence among federal programs and state/local education reforms.

The Michigan model of School Reform and School to Work Opportunities similarly call for requirements and inclusions which solicit delivery systems, institutions, administrators, coordinators, and learners to adhere to specific mandates of reform and opportunity.

4. Reform and STW -- Standards and Authentic Assessments:

School Reform focuses on pupil performance standards from the Academic Performance Standards committee. The STW Act will utilize a system of performance standards based on skill standards development. The Reform legislation calls for authentic assessments including portfolios to assess skills, competencies, and achievements. STW speaks to using skill standards development and assessments through the same portfolios and other authentic measures.

The relationship of initial Michigan School Reform legislation and the STW Opportunity Act is shown in Table 1. The STW legislation enables Michigan to elevate a school to work transition program into a *comprehensive system serving all students*. The system forges new partnerships among employers, labor, educators, community organizations, students and parents. In addition, it will help prepare young people for their first jobs in high-skill, high-wage careers. These local partnerships will be supported by statewide-system building efforts in such areas as the establishment of statewide skill standards, the establishment of a state evaluation system, and professional staff development.

Table I

Relationship of Michigan School Reform Legislation and School-to-Work Opportunity (Grant) Program

School Reform (P.A. 25)	School-to-Work Opportunities
1. Requires academic core curriculum and pupil performance standards (Sec. 1278a).	1. Includes academic standards and pupil performance standards.
2. Calls for methods to make available opportunities for student, on-the-job training combined with classroom instruction (Sec. 1277).	2. Integrates work-based and school-based learning.
3. Requires assistance to schools to integrate applied academic and career and employability skills into curricular areas (Sec. 1277).	3. Integrates academic competencies and academic learning.
4. Includes the roles of community colleges in the learning community as essential components of school improvement plans (Sec. 1277).	4. Links secondary and postsecondary education.
5. Requires state endorsed proficiency tests for state endorsed diplomas (Sec. 1278).	5. Focuses on learning and skill attainment evidenced by the state endorsed high school diploma.
6. Calls for Academic Performance Standards committee and pupil performance standards (Sec. 1278a).	6. Utilizes a system of performance standards based on skills development.
7. Requires ISD to deliver effective and relevant professional development activities for teachers (Sec. 1277).	7. Provides professional development activities for education, labor, and business partners.
8. Mandates the development and utilization of community resources and volunteers (Sec. 1277).	8. Utilizes marketing activities to heighten citizen awareness and gain community support and assistance.
9. Calls for authentic assessments including portfolios to assess skills, competencies and achievements (Sec. 1277).	9. Uses skill standards development and assessments through portfolios and other authentic measures.
10. Requires annual education report to address gender equity and reasonable access to all programs (Sec. 1277).	10. Ensures school-to-work transition opportunities for young women in non-traditional roles and access for disabled students.

*Public Act 289 (December, 1995) retained the State Core Academic Content Standards as a model rather than as a mandate. A district must consider the state model content standards and adopt them or a locally determined variation, explain deviations from the model in its annual report, and provide a core academic curriculum to all pupils. The model content standards will remain the basis for the MEAP and state endorsed diploma (high school proficiency test).

Standards, Assessment, and Certification Needed for School-to-Work

The continued growth of the US economy will depend on the *development of a highly-trained workforce* and the identification of those who will play a critical role in reaching national goals. Major changes such as *new employer needs and expectations, public concern over educational proficiency*, and *changing demographics* led the US Congress to pass the 1994 "Goals 2000: Educate America Act". This legislation will ultimately affect career education curricula based on industry standards. It also requires a new structure for awarding degree certifications and the assessment of skill standards.

An assessment that measures the achievement of workplace skill standards must measure performance of skills. Standards developed for any industry or specific work task/requirements must include a process for assessing the standard and ultimately awarding certification. Literature on assessment emphasizes that:

a. Assessment must measure a person's performance in relation to established standards.

b. Assessment must measure the practical application of knowledge, skills, and behaviors.

c. Competency must be demonstrated under conditions that are similar to those under which the performance will normally be practiced.

d. Learners should be allowed to demonstrate mastery in different ways.

Assessments should include *process and design management competencies* as well as subject matter content and situational behavior (for example, how a learner solved the problem, what steps and processes were used). It is this demonstration of problem- solving skills that employers require of workers in the new economy.

Similarly, assessment of skills for certification in Michigan will be primarily performance based. Action undertaken will include a review of all measurement instruments and a process recommendation for certifying skill standards.

Title V of the Goals 2000: Educate America Act established the *National Skills Standard Board* to ensure a framework for the development and implementation of a national system of voluntary skill standards. A framework for certification through voluntary partnerships will have the balanced participation of business, industry, labor, educators, and other key groups. One of the primary functions of the National Board is the *endorsing of the skill standards systems* developed by the voluntary partnerships that meet objective criteria and contain, among others, the components of a "voluntary system" of assessment and certification in the attainment of skill standards, utilizing a variety of evaluation techniques.

Skills for Today's High Performance Workplace

The workplace consists of social, organizational, and technological systems--it is made up of people, a culture, and rules associated with this culture, and complex machinery, computers, and many other technology-based devices. A great deal of money and time are put into their development. *The high performance workplace* demands that all workers understand these systems, correct malfunctions when they occur and suggest ways to improve their design and operation.

The Industrial Age has given way to the Information Age

"Knowledge" is now our product; well educated and highly trained workers are required by business and industry at every level and in every sector of the economy. The contemporary labor market demands workers who have mastered the basic skills and who can go on to acquire technical workplace skills and continue to learn. Nearly 20 million people now carry pagers; over 12 billion messages were left in voice mailboxes last year. In the last seven years, 12 million fax machines were added to homes and offices; electronic mail addresses have increased by over 26 million. Secretaries, however, have declined by one-half million.

Work-Based Training and Competencies

Many skilled workers are trained primarily on the job--they learn by doing. Workers acquire skills over a period of time, either through informal and unstructured employer-based training or through time-tested, *effective formal apprenticeship training.* Most of the occupations relying on employer-based training and apprenticeships are in the production, craft, and repair areas, representing a wide range of occupations. An apprenticeship experience provides the single, most effective model for work-based training. Many employer-based programs, however, do not have the structure and skill base of formal apprenticeships.

While formal apprenticeships continue to evolve and progress to incorporate new skills and instructional means, many of the more traditional, unstructured employer-based training programs may not be compatible with the rapidly developing *technologies of the new information age* and *today's high performance workplace.* The US Department of Labor has identified thirty-six essential skills for success, as well as three "Foundation" skill areas and five broad "Competencies". Workers must first develop the foundation skills that are common across multiple occupations before they can move on to apply what they know in the more specific "competency skills." These are referenced later, on page 43.

For example, all workers need the skills to acquire, evaluate, organize, maintain, interpret and communicate information. The use of computers is essential for the effective application of vital workplace skills. The ability to understand complex material, boil it down, and communicate conclusions/solutions to problems in abbreviated terms through charts and graphs is increasingly a valued asset in the workplace, regardless of the specific occupation of the worker.

PART II

Standards and Assessments as Part of an Adaptive System

Education for the workplace is goal-driven and, thus, is capable of adjusting itself to changing environmental conditions. This type of system mainly relies on standards, assessments, and certification. A system that is capable of adjusting itself to changing environmental conditions was initially called an *adaptive system* (Brethower, 1972). Adaptive systems contain seven components:

1) Goals

   Why the system exists, its purpose and reason for existing.

2) Inputs

   What the system begins with before processing.

3) Processing

   What the system does to change inputs into something else.

4) Outputs

   What has been created from inputs, but is now different from the inputs.

5) Customers

   Determine whether or not the goals of the system have been fulfilled and how they receive the outputs. Customers define standards and how they will be assessed.

6) Internal feedback

   Consists of the production of data from *within the system* about any aspect of the system.

7) External (or customer) feedback

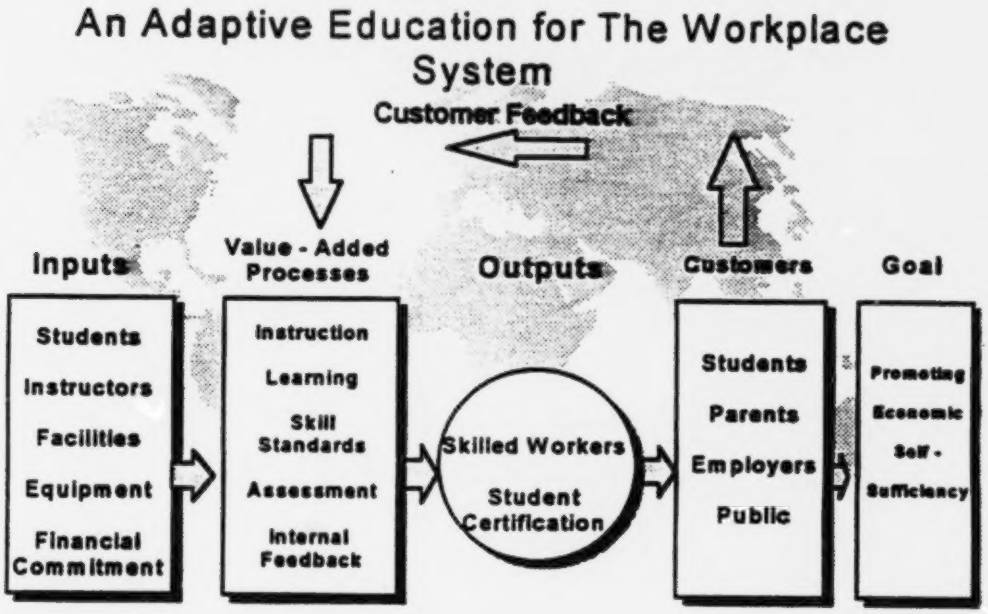
Consists of information about customer satisfaction with the system's outputs (i.e., outcomes).

Assessments are a significant part of the last two components, that is, the internal and external feedback. Feedback critiques the system on its performance, either before the product reaches the system's customers (internal feedback) or after (external feedback). Standards set a level for acceptable quality during or after processing. Standards also refer to goals and processing and the role of the customer in establishing standards. Assessments then make it known whether or not either interim or final standards are being achieved. *Provided that standards acceptably reflect system goals, assessments provide information on how well goals are being fulfilled.* In the adaptive system, this information causes adjustments (reinforcing the good, correcting the bad) that increase the likelihood of the system achieving its goals.

An Adaptive Education for the Workplace System

In order to get a better sense of the role played by standards, assessments, and certification in "Education for the Workplace," A model for an "Education for Work System" that includes goal-driven and self-adjusting components is presented. The features of the model (Figure 1) are related to the seven components of an adaptive system.

Figure 1


An Adaptive Education for The Workplace System
Customer Feedback
Inputs
Students
Instructors
Facilities
Equipment
Financial Commitment
Value - Added Processes
Instruction
Learning
Skill Standards
Assessment
Internal Feedback
Outputs
Skilled Workers
Student Certification
Customers
Students
Parents
Employers
Public
Goal
Promoting Economic Self - Sufficiency

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1. Goals

The Michigan Council on Vocational Education (MCOVE) takes the position that a major goal of education is to *promote economic self-sufficiency in individuals.* It should be noted that the word "promote" is the key. A goal of education is to provide students with economic self-sufficiency whenever it is *possible* for Education to promote economic self-sufficiency. This self-sufficiency may be expected after the completion of an educational program; but, in all cases, economic self-sufficiency is the target. The goal of promoting economic self-sufficiency is the significant characteristic of "Education for the Workplace" and is the driving force behind any public educational program. Education's efforts, however, are sometimes thwarted by trends that influence economic self sufficiency (e.g., a local economy or job market is depressed due to unanticipated political flukes in another country).

2. Inputs

The inputs into an Educational system include beginning students, teaching staff, facilities, equipment, and financial commitment. Inputs may also include pre-set content guidelines (i.e., curricula). They may also include output standards (e.g., minimum school days, specific skills/competencies that must be mastered at certain levels).

3. Processing

Processing is what an Education system *does.* The primary activity of an Education system is to present material for students to learn. This activity is designed to leave the students with understandings and behaviors that they did not have prior to entering the system. These understandings and behaviors should promote economic self sufficiency for that student.

4. Outputs

The outputs of an Educational system are students who have been changed in some fashion. The students have acquired skills that they did not possess before, and these skills are intended to lead to economic self-sufficiency.

5. Customers

The Public. Public education exists for the public good. It is supported by the public and, thus, serves the public. Government provides structure for this enterprise. As such, "the public" is a customer of education. The particular service the public receives in this case is the teaching of skills to unskilled persons which allows for *economic self-sufficiency*; thus, these persons do not suffer poverty, do not need economic help from others, and through their continued employment, can contribute to their communities.

Employers. Whether or not economic self sufficiency can be achieved for any given student depends on society's current business and economic structure. Employers control hiring, promotion, and firing within their individual businesses. Collectively, they control these factors within a specific industry or sector of the economy. Therefore, *employers are key customers* with regard to the goals of Education. If employers are satisfied with the product, i.e., a graduate, certificate holder or other "education completer," they will promote economic self sufficiency by hiring that person. Because they control the hiring process, employers also set the standards by which "education completers" will be primarily judged. If an employer chooses to hire a graduate, he or she is obviously expressing satisfaction with that particular product of the education system, and, thus, with the system, itself. The reverse is also true, however, and employers not pleased with the output of the system (graduates and job applicants) can just as easily express their dissatisfaction. They can do this through lack of support for the public education system or by supporting alternative education models. "The public," as a customer, is pleased with Education when business people support the system by hiring and retaining the system's graduates or certificate holders. The public is displeased with the system when its outputs (graduates or completers) are not acceptable to the business community (i.e. not hired or considered not qualified for job openings).

Students. Students are also customers. The effectiveness of educational programs can be the single biggest factor determining their future occupation and standard of living. The promise of economic self sufficiency presumably attracts many students, especially in postsecondary programs. But various other attractions and distractions will affect the choices that students may make with respect to educational program choices. Customer satisfaction from a student's perspective will include personal interest in the curriculum, pleasant surroundings, personnel, and how the program is perceived by others. For some students, the possibility that education for work will lead to economic self-sufficiency may have no effect on customer satisfaction at all.

Parents. For younger students, *parents are also customers.* Parents may make consumer decisions for their children; thus, they need to be pleased. Their preferences are likely to be different from their children's. For one, parents are apt to be more attuned to economic self sufficiency issues than their children.

If an Educational program is to succeed in providing *economic self sufficiency* to individuals, it cannot rely solely on ensuring that workplace training is of the sort that promotes economic self sufficiency for students. It must also do what it takes to recruit students and to keep them. If an education program cannot draw any students (say, due to a "dumping-ground" image), it cannot possibly succeed in its goal of promoting economic self sufficiency in individuals. Thus, while employers must be pleased with the products of Education so must students and parents be pleased with the package of experiences that Education offers--or the system simply will not run. Likewise, anyone else on whom the system depends, such as personnel in Education, must be pleased, or the goal of promoting economic self sufficiency in individuals will be threatened.

6. Internal Feedback

Internal feedback within an Education system would occur continuously as a student is evaluated for the likelihood that he or she will eventually become economically self sufficient. To be useful, the data generated by such inspections should spur reaction. Different courses of action should occur contingent on results. Depending on what in-process inspections indicate, a student should be attended to in some individualized way;

some part of the process should be revised; or a conscious decision to stay in the particular program should be made.

Certainly, there are many in-process assessments in most of our present Educational programs, e.g., monthly or weekly examinations, or informal inspections. Often the data generated by these assessments serve as feedback for the student, e.g., an "A" on the midterm tells the student that he or she is doing extremely well. A "D" is unacceptable, although passing. But often the *system* itself is not affected--no one changes the system so that students are more likely to perform at an acceptable level. The information is not often *fed back* to the system to tell it how *it* is doing.

In an adaptive Education for the Workplace System, these assessments would be used extensively for system guidance. A "D" might be a sign that instructional methods are not working for a given student, rather than an automatic indictment of the student. A "D" would stimulate investigation into the source of the poor performance and, depending on the results of the investigation, some new method may be tried. This intolerance for compromised quality is a hallmark of Total Quality Management (TQM) and will be addressed in the next major topic in this document, "Building Quality into an Education for the Workplace System." On the other hand, "A's" mean that the system is doing something right, and it should maintain what it is doing. A system might even consider possibly expanding what appears to be the successful subprocess.

As an aid to internal feedback, standards should be set for *interim* outputs. Interim outputs are the results of processing anywhere before completion. For example, an auto mechanics instructor may set a standard that applies to the student's ability to make *major* diagnostic distinctions when presented with a vehicle that "won't run," after, say, 20 instruction-hours. (This standard is an early prerequisite for economic self sufficiency as a professional auto mechanic.)

At the end of the course, though, the student will be expected to make *fine* diagnostic distinctions, in addition to being able to do many other things. The standard for an interim point may be to, "Be able to accurately confine the source of the trouble to one of six major systems in the car 100% of the time." Some assessment in regard to this standard would be devised, and the results of the assessment would inform the instructor how well the student has learned. This information may be used for accelerated or remedial students. It could also be used to inspire changes in the instructional process.

7. External Feedback

External feedback occurs whenever the end results of processing, i.e., an entire Educational program, is assessed and used as guiding information for future processing. An example of student feedback is through the conducting of a follow-up survey of graduates' wages. The success of graduates in attaining jobs and economic self sufficiency are factors that steer policy and program direction for the education program.

Another factor is employer satisfaction. This feedback may occur in unsolicited, but often very compelling forms. For example, in the report *America's Choice: High Skills or Low Wages!* (Commission on the Skills of American Workforce, 1990), a consortium of business interests claimed that Education, as it currently stood, was not providing workers with the skills that would be needed to maintain a sound, growing economy in the modern world. This being a place where all individuals (not just a few) could enjoy prosperity (or self-sufficiency). The report called for new forms of education to address the problem. Other prominent voices have provided similar external feedback (e.g., Carnevale, Gainer, & Meltzer, 1990; Secretary's Commission on Achieving Necessary Skills, 1992). "Education for the Workplace" seems to be changing in line with many of the recommendations of these reports, sometimes through legislative pressure.

An adaptive "Education for Work" system would welcome any external feedback and the acquisition of as much information as possible about how its products are being received by customers. These customers, particularly the business community, must be pleased, or "Education for the Workplace" shall cease to exist. Indeed, the customer is supreme in an adaptive "Education for Work" system (See Figure 1). This notion is compatible with the TQM approach and a system of input and output standards as they relate to performance.

Input Standards vs Output Standards

Standards in Education have been applied to both system inputs and outputs. O'Neil (1993) notes that in Education, "some uses of the term standards address the content of school, while other uses suggest the need for some form of assessment of whether students are learning that content" (p. 4). Standards for *content*, e.g., the National Council of Teachers of Mathematics (NCTM) curriculum coverage standards (Romberg, 1993), are standards for *input* variables in an Educational system. Standards for student learning, on the other hand, concern the *output* of an educational system.

The term "performance standards" is synonymous with output standards. Performance standards for Education concern how well the Education program succeeds in producing what it is supposed to produce--which, in our opinion, is the promotion of economic self-sufficiency for its students. "Performance" here refers to *system* performance, encompassing more than just "performance" in the sense of the demonstration of learned skills on the part of the student. System performance is measured by the achievement of goals that promote economic self-sufficiency in students. It may include students' general employability; long-term and short-term employment success; amount of advancement possibilities in current employment; wages; employer satisfaction; and need for public assistance.

Outputs (results or performance) are, in a sense, all that matters. A mathematics instructor may, for example, follow NCTM content standards to the letter but, due to any number of factors, students going through that instructor's course may leave with minimal competency in math. What truly matters is whether or not a student gains competencies in math and not the practice of curricular formulas. If certain inputs are known to reliably produce certain outputs, or are even *required* for certain outputs (as in certain minimal facilities and materials standards), then input standards can be useful. However, if the relationship between input standards and outputs is unknown or unproven, then input standards may be an unnecessary venture.

Implementing or Building Quality into an Education for the Workplace System

In order to achieve its goal of promoting economic self-sufficiency, an Educational system must produce workers whom employers will want to hire and pay well. In other words, the product of Education must prove to be of value to employers. Management theorist W. Edwards Deming, founder of the Total Quality Management (TQM) movement, would argue that, in order to best please employers, an educational system must *build in* quality (see Walton, 1986). Quality is defined as that which pleases the customer. Quality would be accomplished by ensuring that everything in an educational system is oriented toward pleasing the customer. While TQM was originally applied to manufacturing systems, TQM can be applied to Educational systems. One could consider a skilled worker as the system's "product," and employers as the *key customers of this product.*

TQM requires feedback from customers and constant monitoring of internal processes to ensure sustainment of quality during all points of production. One of the major tenets of Deming's approach is to cease dependence on end-of-production defect inspection. Instead, the system should build quality into the process so defects are not produced in the first place (Walton, 1986). In order to do this, the processes are constantly studied, data is constantly taken, and interventions are introduced with the aim of *continually improving* the processes.

Attention to the precision workings of internal processes exemplifies the internal feedback portion of the adaptive "Education for Work" systems model. Internal feedback in the Deming approach is essentially *driven by external feedback*, as follows:

> First, customers define quality in their perception of the output of a system. This information is returned to the system as external feedback, i.e., customer perception information is used to establish end-of-production standards. Standards are then established for a series of points along the process that lead to the final product. These standards form a logical sequence of prerequisites leading to final product requirements.
>
> Assessments are taken of the product at several points as it proceeds down the line to determine if in-process standards are met. These assessments can inform personnel of incipient problems, successes, and opportunities for improvement. Changes can be made that will improve quality, prevent future defects, and ultimately improve customer satisfaction.

Clearly, there are analogies that can be drawn between Manufacturing and Education. In both cases, the objective is to apply effective processes to the production of quality products. In both cases, standards of some sort are used to define quality; and assessments are used to determine whether standards are being met and quality is being produced. Also, in both cases, the methodologies of Deming's Total Quality Management approach can be applied to increase quality and improved outcomes.

There is one significant difference in that the "products" of the Educational system are human and much more variable. Thus, Education could never reach the ideal end point of Deming's system--the end point where the system is completely controlled and validated; and where no further output monitoring of quality is required. With this single proviso understood, Deming's TQM approach can still provide Education with a methodological model that has the potential to significantly improve the quality of its outputs.

Poor Products and Poor Performers

In much the same way that the traditional assembly line, manufacturing process scraps defective fenders at the end of the line, educational systems do not attend to threats to quality in their product (i.e., a graduate with certain skills) until the end of the educational "line" (i.e. the school year or a specific grade level). It is often too late by this point to take action to correct any *deficiencies in educational quality.* Fenders may be repaired or reworked to bring them up to standard if they are determined to have substandard quality; but students, who have not developed their skills or acquired a necessary level of knowledge, are often simply sent away (or moved forward in the system) without an education. This occurs because no checks occurred in-process where substandard performance could have been identified and remedied.

The lack of in-process checks on quality is particularly damaging in systems where a single test, administered at the very end of the educational "line", determines whether or not a student graduates from high school. The student who fails this end-of-the-line assessment at the conclusion of twelve years of education has very few options. To remedy "end of the line" checks, Michigan, through the School Code (PA 451 of 1976 as amended) and 1995-96 Public Act 130 (1995-96 State Aid Act), has legislated testing through both its Michigan Educational Assessment Program and its High School Proficiency Test. Fenders that exhibit substandard quality can be reworked; but rework or remediation for a student who cannot pass an exit competency test at the end of his/her twelfth year of formal schooling is a much more problematic issue requiring complex and costly solutions.

How Traditional Education Can Build in Bad Quality

One feature of traditional education runs particularly counter to the quality control that would assure quality outcomes. Consider how students are passed from course to course and grade to grade in traditionally-structured education systems. Only in cases of very poor performance--usually at the "F" level--are students in traditional educational settings *not* permitted to proceed down the "line". To extend our manufacturing analogy, allowing a student to pass from class to class or grade to grade without mastering earlier material is like identifying quality defects in fenders early in the manufacturing process but allowing them to proceed until the end of the line. At this point they can only be either reworked or scrapped.

In both education and manufacturing systems, if the production process depends only on "end-of-the-line" inspection, some of the end products produced by that process may be unsatisfactory final products. These unsatisfactory products will not be accepted by the system's customers--whether they are the auto manufacturers that won't use the defective fenders--or the employers who will not hire a high school graduate who is lacking the required skills and knowledge.

The Council supports the graded proficiency test coupled with the ability of the student to remediate those areas.

This may be contrasted to production processes controlled by Deming's principles where, when defects are likely to be produced or are detected, a production line is completely shut down until the quality problem is discovered and corrected. In a Deming-inspired educational production process, any student discovered to have a level of quality that threatens future success would receive immediate attention. The student would not progress forward until he or she demonstrates the required type and amount of knowledge needed to move to the next level. In addition, any information obtained about problems in the process, itself, would be used to improve the process.

Most traditional educational systems take plenty of in-process data; but, it is relatively rare for these data to be *reacted to.* If nothing changes in a system when threats to quality are detected then that system is *not* adaptive. An adaptive system utilizes the seven components to provide an *education for the workplace approach* in which standards and assessments are essential in the value-added process. The integration of Total Quality Management (TQM) principles builds quality into the system and enables the system to be goal driven with a continuing feedback cycle. From this context a plan for an education for work system will be described in Part III.

A Recapitulation

The discussions of Part One and Two represent the Council's support for developing an optimal system of standards and assessments for "Education for the Workplace." The skill standards addressed in the School to Work legislation can clearly become part of an adaptive system and present an opportunity for building an "Education for Work" system. A review of the major concepts include:

1. A standard defines acceptable quality on some variable. An assessment is a measurement that determines if a standard has been met. Certification ascertains that the holder has met an acceptable level of competence, achievement, and performance.

2. The goal of an "Education for the Workplace" system is to promote economic self-sufficiency for its students. Standards, assessment, and certification are prerequisites for this goal.

3. School reform and School-To-Work Legislation must also be linked to industry-driven standards if we are to attain the skills needed in today's high performance workplace.

4. The central customer for education, and one that controls the occurrence of economic self-sufficiency for students, is the employer-community. Employers *must* be pleased with the output of an education system, i.e., a skilled student.

5. Outputs (results or performance) are all that matter. Standards for performance should take precedence over standards for inputs.

6. In-process standards and assessments should be used as internal feedback. This feedback prompts special action for given students, as well as changes in the system, itself, designed to increase quality.

7. Customer reception to the product of the Educational system must be gathered and *reacted to* if an "Education for the Workplace" system is to remain viable.

8. Customer needs and preferences should be translated to in-process standards and assessments (that is, external feedback should be reflected in internal feedback).

9. "Traditional" Education allows least prepared students to go through a processing sequence without attention to threats to their ultimate competence, or to problems in the processing itself. Standards and assessments for *interim* outputs, and the means to react to them, will promote ultimate quality.

Part III

A Plan for Building an Education for Work System

Utilizing the concepts addressed in Part II, a four-step plan for building an ideal education for the workplace system is proposed. A logical order for setting up a goal-driven, adaptive education system based on standards and assessments would be to: 1) institutionalize system goals; 2) establish standards that reflect those goals; and 3) devise assessments to measure success in achieving standards. After these fundamental components have been established, the system 4) should continually improve itself by reacting to assessment results and performing and reacting to ongoing market research.

Step One: Institutionalize System Goals

The Council holds that a primary goal of career preparation is to provide Education that promotes success in a career. Education for the workplace pertains to a significant part of career preparation: *individual economic self-sufficiency.*

In an ideal process for building a goal-driven, adaptive, educational system, all personnel would accept and live by the goal of promoting individual economic self-sufficiency. The *promotion of individual economic self-sufficiency* would involve a commitment and govem every activity performed by personnel within the system. Everyone would understand her or his particular function for achieving this goal. "Everyone" includes students, parents, instructors, teachers, counselors, support staff, administrators, businesses, industry, labor, and the community, in much the same way that the Michigan's current School-to-Work Partnerships have developed broad based and inclusive local governance structures--all committed to the single goal of building local School-to-Work systems.

Step Two: Establish Standards that Reflect those Goals

What would indicate that this goal of "Workplace Education"--*the promotion of economic self sufficiency* in individuals--has been achieved? To answer this question, one needs to consider economic self-sufficiency as having enough income for all items necessary for subsistence, most notably food and shelter. To some extent, what is necessary for subsistence will vary such as those persons with dependents and those without; or those with medical problems and those without.

Moreover, the income level, in dollars, is necessary for subsistence for any given person, depending on the personal impact of the economy in which the person lives. Dollars literally buy more in Saginaw than they do in New York City, and, otherwise, vary in their value by geography. Additionally, the same number of dollars would buy different amounts now than ten years ago. Thus, a definition of economic self-sufficiency based on income must be context-sensitive--it must consider what an income will buy, *when* the income is being earned, and *where* the income is being earned. In addition, it must be sensitive to particular subsistence requirements of individuals.

Good paying and secure jobs are needed in order for workers to become economically self sufficient. In order to obtain and retain well-paying jobs, applicants or workers must have certain qualifications. These qualifications consist of some set of skills (e.g., reading skills, electrical wiring skills, problem-solving skills, food management skills, machining skills) and personality traits (e.g. loyalty, creativity, etc.). If jobs are not secure, an individual will need personality qualities of flexibility and adaptability. Thus, the individual may have to work at a succession of different jobs in order to be economically self-sufficient throughout his or her lifetime.

In control versus out of control. In setting standards, it is important to recall that "Education for the Workplace" can be held accountable only for the *promotion* of individual economic self sufficiency. It can promote individual economic self sufficiency but not *ensure* it, as there are many factors that determine the actual achievement of individual economic self sufficiency over *which Education has no control.* Unforeseeable economic phenomena may occur, even when the best prognostication techniques have been used. Circumstances in students' lives outside of school, such as living with drugs or violence, may counteract the effects of the best possible Educational system.

Because of the above issues, it would be inadvisable for an Educational system to establish the achievement of individual economic self-sufficiency, itself, as a standard for system performance. Instead, standards should consist of evidence that individual economic self-sufficiency has been *promoted.* In other words, standards should be *controllable* (or mostly controllable) results that are associated with, or lend themselves to, individual economic self sufficiency.

The need for research. What outcomes are associated with or lend themselves to individual economic self sufficiency is an empirical question. Planners of an education system must conduct research on both the current economic and workplace environment, and expectations for the economic and workplace environment of the future. Further, planners must discern the actions, skills, capacities, attitudes, etc., in students that are most likely to result in economic self-sufficiency within the present and future environment. Education for the Workplace designers need to be adept at economics, trend analysis, sociology, and other areas in order to conduct this research.

Fortunately, professional organizations such as the American Society for Training and Development (e.g., Carnevale, Gainer, & Meltzer, 1990) and governmental bodies such as the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS) (e.g., SCANS, 1993), have conducted, and will continue to conduct, research on the present and future demands on workers. Some trade organizations have compiled skill standards for their occupations through occupation-wide research. In Michigan, the needs of the business community in the state have been carefully researched by the Employability Skills Task Force (see Mehrens, 1989); and, otherwise, have been tracked by the Michigan Occupational Information System (MOIS).

It is important to note that research should indicate the *availability* of jobs in a given field, in addition to the skills needed for a given job. In order to achieve the goal of individual economic self sufficiency, a job for which an individual would qualify must be available. Osborne and Gaebler (1992) point out that an educational system fails if it produces scores of competent, very well-trained welders when there are no longer any jobs for welders (say due to cheap robotics technology).

What might standards actually look like? In an ideal education system, student skill standards would be whatever the best and most valid research indicates. Standards could refer to specific skills in specific circumstances that might be found in individual occupations, such as the ability to "make a single color paste-up for sheetwise imposition" for a printing technician (National Council on Vocational Education, 1991, p. 15). Standards might also refer to skills that are specific but have general applicability across occupations, such as "can reliably perform all fundamental arithmetic operations;" "can convert fractions to percentages;" or "can comprehend a standard newspaper article."

Student skill standards would also cover more diffuse characteristics tied generally to success on the job or to work-readiness, such as "knows how to learn," "behaves appropriately as a team member or leader," or "solicits information when unclear about something." In order to be useful, concepts like these must have measurable, operational definitions. Assessments would provide such a definition: Student X can be said to behave appropriately as a team member or leader if she or he earns a satisfactory score on a teamwork assessment.

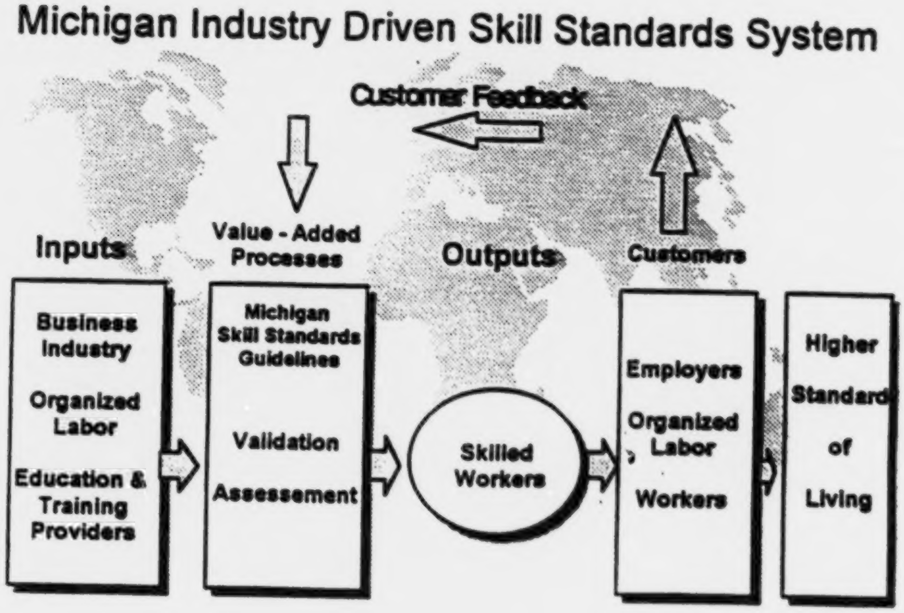
Interim standards for student competence should also be set, as discussed in an earlier section. These standards would consist of gradations of the standards applied to the final output. An early interim standard on teamwork skills, for example, might be to earn at least a 70% score on a teamwork assessment. Later interim standards might be for scores of 75%, 80%, etc., while the final standard would be a 100% score.

Types of standards, other than student skills standards, may be used if they, too, promote individual economic self sufficiency. For example, an education system may implement a standard discerning the degree to which the distribution of their occupational programs align with job availability (e.g., if there is a demand for fiber optic technicians, courses should be offered in fiberoptic technology). By imposing standards that match educational offerings with job availability, it is more likely that program graduates will be economically self sufficient.

Curriculum content and opportunity-to-learn standards may be used if those standards *reliably lead* to the output of student acquisition of certain skills--those that will promote economic self-sufficiency. Program completion standards may be used if program completion is a sign that skill competencies have been acquired. However, if skill competency acquisition is already formally assessed, a standard for program completion may be redundant. If program completion is a sign that skill competencies have not been acquired, a standard for program completion would encourage irrelevant activity impeding the goal of promoting individual, economic self sufficiency.

Since the development of valid skill standards will require significant and ongoing customer (private sector) input, MCOVE suggests a system of inputs, outputs, and feedback involving the private sector (business and labor) customers of the School-to-Work System and the education and training providers who will deliver standards-based instruction to students. The flow chart (Figure 2) provides a graphic illustration of such an industry-driven skill standards system, presently in the development stage for the State of Michigan.

Figure 2


Michigan Industry Driven Skill Standards System
Customer Feedback
Inputs
Value - Added Processes
Outputs
Customers
Business Industry
Organized Labor
Education & Training Providers
Michigan Skill Standards Guidelines
Validation
Assessment
Skilled Workers
Employers
Organized Labor
Workers
Higher Standard of Living

Step Three: Use Valid Assessments

Either after, or in tandem with the setting of standards, an Educational program system would develop assessments that would indicate whether or not standards have been met. The utility of assessments depends on their *validity*, that is, how *accurately* they measure what they are *supposed to measure*. In the case of an "Education for Work" system, assessments should measure *something that has to do with the promotion of individual, economic self-sufficiency*. Assessments should indicate whether or not a standard reflecting achievement or progress toward the goal of promoting individual economic self-sufficiency has been reached. The assessments are used, in turn, to direct a course of action that depends on whether or not a standard was met. If assessments are not valid, the system and students will be directed in capricious ways that may *not* promote individual economic self-sufficiency.

For example: Consider the issue of on-the-job communication. Students may be taught with the aim of producing general cogency in work-related writing, reading, and conversation, and job-specific communication, e.g., business letters, memoranda, technical reports. Instructor A may assess these skills with a multiple-choice test that consists of a series of questions for which the student is to choose a correct answer. Instructor B may assess these skills with a close simulation of an *actual on-the-job communication* experience (e.g., a student is asked to write a report on the findings of the electrical conductance of various materials considered for introduction in an electronic device). Instructor B then asks a team of judges, consisting of actual employers, to rate the quality of the student's report.

Instructor-A's assessment is convenient, but its alignment with what will actually be demanded of the student for economic self-sufficiency is suspect. Hill and Larsen (1992) note that, with the advent of widely-used, standardized, multiple choice assessments in American schools, "writing ability was effectively redefined, for assessment purposes, as knowledge of vocabulary, usage conventions, and grammatical niceties; the chosen format of conventional testing could not be convincingly used to evaluate actual text that students might be asked to write" (p. 2). A multiple choice assessment of vocabulary, usage conventions, etc., is probably a *poor representation* of the behaviors required to produce effective writing in the real world. To the extent that no relationship exists between Instructor A's assessment and what will promote economic self-sufficiency, Instructor A's assessment is *invalid.*

Instructor B's assessment above, on the other hand, is *expressly authentic.* Instructor B asks students to produce a written assignment just as they might do on the job. To add to the authenticity, the assessment is graded by individuals (employers) who *have* to be pleased by the student's work, if the student is to enjoy economic self-sufficiency. These examples illustrate how the validity of any given assessment may range from excellent to unsatisfactory. An educational system designer should recognize that assessments may vary considerably in their validity and attempt to choose the most valid assessments among those that are available.

All multiple choice assessments are not necessarily invalid; their validity is an empirical question. It is conceivable that a score on a very well-designed multiple choice test could be reliably correlated with real-world, on-the-job, money-on-the-line performance. This said, though, *some inherent disadvantages* to multiple choice assessments may be cited: It is difficult to imagine multiple choice tests being valid measurements of many subtle, nonverbal performances that occur in jobs. It seems unlikely that all aspects of operating a lathe, creating coiffures, or fixing collision damage could be translated into an assessment where the student chooses from four discrete bubbles. Certain other forms of job performance that aid in achieving economic self-sufficiency could not be translated into a multiple choice assessment, such as punctuality and demeanor. Also, multiple choice assessments would miss the pedagogical opportunity that more direct performance assessments would provide: An assessment that simulates a work experience would serve as a learning opportunity and a test. If a student is asked to diagnose and then fix a broken dishwasher as an assessment of acquired skills, the student is likely to learn something about fixing dishwashers in the process of the assessment. This "bonus" of added learning is not likely to occur with a multiple choice assessment.

On "teaching to the test." When assessment results are associated with decisions that have high stakes for personnel, such as when funding for schools or school districts varies depending on the results of a mass-administered test, what tends to emerge is the phenomenon of "teaching to the test" (Finch, 1991, p. 12).

Teaching to the test consists of making changes in instruction so that students are likely to do better on a test. These changes create differences from the instruction that would occur if there were no test, or if the test had no effect on managers' decisions. With respect to *some* tests, this phenomenon has been lamentable. When the test is one of the common, nationally-distributed, normed, multiple-choice tests (e.g., the Iowa Test of Basic Skills, the California Achievement Test, the Metropolitan Achievement Test [Resnick, 1992]), what happens in classrooms may lean toward the teaching of multiple-choice test-passing skills, and away from development of other skills that have more relevance to individual and society success (Worthen, 1993).

On the other hand, if assessments are *valid* with respect to the goal of an Educational system, then "teaching to the test" is truly ideal. In the case of "Education for the Workplace," if a test really assesses skills that are prerequisite to something that will promote economic self-sufficiency, then instruction should be precisely oriented toward imparting the knowledge that will allow the student to succeed on the test. A distinction needs to be made between teaching to a test and *coaching for* a test. Coaching may lead a student to do well on an assessment whether or not the targeted skills are actually there. Teaching to a test should only involve building genuine skills.)

Step Four: Constantly Improve the System Based on Assessments and Customer Research

The information provided by assessments should influence how a career preparation system is managed and how it evolves. Assessments should inspire action that tunes the system more finely toward the goal of promoting economic self-sufficiency. The action taken may range from gross changes in how things are done to brief special attention given to an individual student. In any case, assessments afford opportunities for improvement. If assessments indicate that some students are not up to standard, then corrective action can be taken, and circumstances that caused the current failure can be watched for and avoided in the future. If assessments indicate that all students are perfectly up to standard, then a system manager's faith in present methods can be increased; perhaps successful methods can be expanded to other areas where they have not yet been used. Frequent assessments, and paying attention to them, allows opportunities for *continual improvement* in the system.

Assessing the needs of customers also allows for continual improvement. It should be *expected*, that customer needs will change often. Given how the economic structure within our country and the world seems to be changing at an accelerating pace, the needs of employers, including the availability of jobs in certain fields, are likely to be in constant flux. In order to maintain quality, "Education for Work" must receive a continual stream of data on the needs of employers and adjust curriculum, methods, offerings, etc. Accordingly, one may note that conducting and reacting to assessments, and obtaining and reacting to customer needs, make up complete loops of internal and external feedback, respectively.

A closer examination of some of the more prominent initiatives with regard to standards and assessments are in Part IV.

PART IV

Major initiatives and recommendations for the use of standards, assessments, and certification in a goal-driven education system or activities are identified and discussed here. Several of these are government-directed or sponsored; some originate from grant-funded nonprofit organizations; and others are from commercial or semicommercial sources.

Perkins Act Standards and Measurement Requirements

The Carl D. Perkins Vocational and Applied Technology Education Act of 1990 was a significant initiative towards the introduction of standards, assessment, and certification. The Perkins Act contains several provisions for performance standards and measurement with respect to those standards, as well as other forms of assessment. Section 115(b) of the legislation requires that each state develop, in consultation with a State Committee of Practitioners (consisting of representatives from a wide array of stakeholder groups), a "statewide system of core standards and measures of performance for secondary and postsecondary vocational education programs."

The law further prescribes that the State Board of Education shall "take into consideration" standards and measures used in other related programs and shall provide the Committee of Practitioners with information about the advantages and disadvantages of types of standards and measurements, and examples of their effectiveness or ineffectiveness.

States were directed to assess local program quality, and local programs were required to "evaluate the effectiveness of their programs annually against the standards and measures developed by the state" (Hill, Harvey, & Praskac, 1992, p. 8). If these local programs did not meet standards, a local improvement plan with state technical assistance provisions was to be developed.

Hill, Harvey, and Praskac (1992) state, "Taken together, the Perkins Act accountability requirements set up state and local processes focused on providing high-quality programs to meet distinctive local needs. They emphasize adaptability and sustained improvement efforts and call for a strong state role in assisting troubled programs. They de-emphasize the creation of standard data bases for national performance standards" (p. 4). The same authors reported that a "longtime House staffer concerned with higher education" told them that "the Perkins accountability requirements were seen as the most sophisticated approach to evaluation ever taken by Congress" (Hill, Harvey, & Praskac, 1992, p. 4).

The availability of many models would allow for useful and instructive comparisons, out of which one may discern best practices. An adaptive system, just like an evolving organism, would do well to try out a variety of modes ("mutations") from which the most useful mode will "survive." Nontraditional forms of assessment originating from the various models may prove more valuable than traditional multiple choice tests.

Goals 2000 and National Skills Standards

In 1990, a National Goals for Education Panel was appointed and "charged with assessing the nation's progress toward achieving the national goals" (Jarosik & Phelps, 1992). President Bush and the National Governors' Association had established, a year earlier, goals for education in six areas: readiness for school for preschool children; high school completion; student achievement; science and mathematics; adult literacy and lifelong learning; and safe, disciplined, and drug-free schools ("Summary of Panel Report", 1991).

National Skill Standards Board

Part of President Clinton's "Goals 2000" also included the establishment of a National Skills Standards Board funded with $15 million in Fiscal 1994. According to Olson, 1993, "the Clinton Administration has described the creation of a national skill-standards board as a cornerstone of its efforts to upgrade the American Workforce." The legislation proposed that the Skill Standards Board would formally endorse skill standards and certificates in a number of industries.

The National Skill Standards Board is charged with determining the national skill standards which represent critical employment needs of business/industry. The former State Director of Career and Technical Education in Michigan, William Weisgerber, is one of the six education representatives on the body.

The Board is composed of 26 members, "including the secretaries of Labor, Education, and Commerce; the chairman of the proposed National Education Standards and Improvement Council; eight representatives from business and industry; eight from organized labor; and eight from educational institutions, technical associations, community-based groups, and state governments" (Olson, 1993, p. 20).

The mission of the National Skill Standards Board is to encourage the creation and adoption of a national system of skill standards which will enhance the ability of the United States to compete effectively in a global economy. These voluntary skill standards will be developed by industry and will be flexible, portable, and continuously updated and improved.

The system is intended to:

a. Promote the growth of high-performance work organizations in the public and private sectors that operate on the basis of productivity, quality, and innovation

b. Raise the standard of living and economic security of American workers

c. Encourage the use of world-class academic and occupational standards to guide education and training for current and future workers.

Following is a list of the Board's functions:

a. Identify broad clusters of occupations and industries

b. Encourage and facilitate voluntary partnerships to develop skill standards

c. Endorse skill standards developed by voluntary partnerships

d. Support (by research) the maintenance of a catalog of standards to be used nationally and internationally

e. Provide an informational clearinghouse and common terminology

f. Encourage development of curricula and training materials

g. Provide technical assistance.

Secretary's Commission on Achieving Necessary Skills

The Secretary of Labor's Commission for Achieving Necessary Skills, (SCANS), provides a national agenda to ensure student workplace readiness (Hill, Harvey, & Praskac, 1992). The agenda focuses on standards for "workplace know-how" discerned by the Commission after considerable dialogue with business representatives. This know-how consists of "five competencies and a three-part foundation of skills and personal qualities needed for solid job performance" (SCANS, 1993, p. 6). The know-how is as follows:

COMPETENCIES. Effective workers can productively use:

Resources: Allocating Time, Money, Materials, Space, and Staff.

Interpersonal Skills: Working On Teams; Teaching Others; Serving Customers; Leading; Negotiating; And Working Well With People From Culturally-Diverse Backgrounds;

Information: Acquiring And Evaluating Data; Organizing And Maintaining Files; Interpreting And Communicating; And Using Computers To Process Information.

Systems: Understanding Social, Organizational And Technilogical Systems Work, And Monitoring Correcting Performance: And Designing Or Improving Systems.

Performance: Improving/Designing Systems

Technology: Selecting Equipment And Tools; Applying Technology To Specific Tasks; And Maintaining And Troubleshooting Equipment.

THE FOUNDATION. Competence requires:

Basic skills: reading, writing, arithmetic, speaking, and listening;

Thinking skills: thinking creatively, making decisions, solving problems, seeing things in the mind's eye, knowing how to learn, and reasoning;

Personal qualities: individual responsibility, self-esteem, sociability, self-management and integrity. (SCANS, 1993, p. 6).

The Commission advocates the establishment of a national, voluntary system for assessing these competencies and employing authentic forms of assessment meant to address the above know-how (SCANS, 1992).

SCANS also suggests the establishment of a cumulative resume, beginning in middle school, for all students: "The resume would contain information about courses taken, projects completed, and proficiency levels attained in each competency. A student who accomplishes enough to meet an overall standard would be awarded a Certificate of Initial Mastery" (Commission, 1992). Caution must be exercised with the "courses taken" portion of the proposed cumulative resume (in its relation to the awarding of the Certificate of Initial Mastery). Courses taken is not necessarily a measure of competency.

SCANS is one of the most comprehensive efforts to date that determines general (cross occupational) employability requirements. SCANS skills are intended to provide workers with flexibility and adaptability--crucial qualities for withstanding rapid changes in the future. According to the SCANS Commission, if the SCANS Certificate of Initial Mastery (CIM) is endorsed by employers, a certificate will ensure quality in employees, as similar certifications have ensured quality within specific professions (e.g., occupational therapists, lawyers, librarians).

National Council on Education Standards and Testing

The National Council on Education Standards and Testing (NCEST) was commissioned by Congress "to report on the desirability and feasibility of national standards and a national testing system" ("Supts. Say," 1992, p. 1). These standards and assessments applied to Education, in general, rather than to "Education for Employment" only. NCEST recommended the establishment of a National Standards and Assessment Council, consisting of public officials, educators, and members of the general public that would "establish guidelines for standard-setting and assessment development and advise the [National Education Goals Panel] on certification of content and student performance standards as world class" ("Supts. Say", 1992, p. 2). The proposed National Standards and Assessments Council evolved into the Clinton Administration's proposed National Education Standards and Improvement Council.

According to NCEST, standards should "reflect high expectations; provide focus and direction, not a national curriculum; be national, not federal; be voluntary, not mandated by the federal government; be dynamic, not static" ("Supts. Say", 1992, p. 2). NCEST recommended the development of standards for student competencies and other aspects of system performance, as well as school delivery standards "to judge whether schools are providing students with the opportunity to attain" high student competency standards (O'Neil, 1993, pp. 4-5). NCEST also recommended "both individual student assessments and large-scale sample assessments, using a variety of techniques" ("Supts. Say," 1992, p. 2), with some assessments eventually being used for such high-stake purposes as high school graduation. These assessments may differ from state to state, but they would all be linked to national standards (Linn & Baker, 1993).

The use of a "variety" of assessment techniques should encourage experimentation and allow for a demonstration of how some assessments are more valid and/or valuable than others. **The significance of MCOVE's discussion of this paper is the implications it raises for competency standards, assessment development, and certification in the transition to education for employment.**

The New Standards Project

The New Standards Project (NSP) is a grant-funded coalition of 19 states and six large school districts, enrolling nearly half of the public K-12 school students in the United States (Simmons & Resnick, 1993), and "serves as a model for much of the national standard-setting and assessment activity" (SCANS, 1992, p. 61). The project has a $2.5 million endowment from the Pew Charitable Trusts and the John D. and Catherine T. Macarthur Foundation (Wok, 1992). The project involves "exploring how to create a national examination system: based not on tests but on what it calls the three P's: student projects, portfolios of student work, and performance evaluation" (SCANS, 1992, p. 60).

The NSP examined how teachers are already using portfolios and began a design process for developing portfolios in classrooms during the 1993-94 school year (Resnick, 1994). A joint program (Learning Research and Development Center at the University of Pittsburgh and the National Center on Education and the Economy in Rochester, NY) set working goals--very high, *voluntary national education standards* for all students and created a performance-based examination system.

Tucker (1992) describes how the New Standards Project assessments are intended to be expressly valid (or authentic) with respect to the demands of the world after high school:

> If one of the things you want to know about kids is how they will function as adults in a world in which the problem is not neatly given up front, in which part of the problem is to figure out what the problem is and to frame it in a way that is addressable; if part of the way in which you will typically be called on to work is not to do this alone, but with others; if there is not a single right answer, but many right answers, some of which are better than others, and part of the problem is to develop a set of internal criteria that will enable you to judge which answers are the better ones, then the question becomes: how would you find out how kids could function in a world like this?
>
> The only answer we know of is: put them in situations like that and find out. No other way.
>
> This suggests that the fundamental unit of an examination system ought to be the task. You would ask kids to perform tasks that might take them three seconds, three minutes, three hours, three weeks, three months, or even a year to address. You would want to construct an examination system out of tasks that are as close as possible to the kinds of behaviors that you would want kids to be able to exhibit as adults; the kinds of thinking that they would have to do as adults (p. 3).

Simmons and Resnick (1993) state that "the most authentic and reliable estimate of students' capabilities comes from the work they do over extended periods of time under the guidance of teachers. The heart of the new standards assessment system will be system portfolios" (p. 12). Imbedded within these portfolios will be "performance-based matrix examinations in mathematics, English language arts, and science that will be administered in grades 4, 8, and 10" (Simmons and Resnick, 1993, p. 13). Linn and Baker (1993) reported that "participants in the new standards project anticipate that state assessment results will be interpretable in terms of common national standards" (p. 1).

One important piece will be a system for reporting learner's *applied learning competencies*, defined as *the generic capabilities necessary for entering worlds of work and civic participation.* The New Standards Project's work, efforts, and implications can be observed in the Michigan legislation of PA 25 referenced as standards and assessments.

Implications of PA 25 to Standards and Assessment-*

Portfolios have been defined in a variety of ways, but the key feature, and one that distinguishes portfolios from simple records seems to be the collection of student work *products* in a single place. The portfolio may be reviewed within the educational system as a form of internal feedback, or it may be used by a student as evidence for credentials upon application for a job or college admission. Early support of portfolios were characterized ". . . as bridging large gaps of time and presenting cumulative results of efforts that necessarily extend over time" (Finch, 1991).

Students typically produce scores of tangible work products in their school career--reports, projects, and various homework assignments. Several states have established initiatives to collect certain samples of these products and add them to various records. Often the students, themselves, choose what goes into their portfolios. There remains, however, some confusion about the requirements for both the *Student Portfolio* and the *Employability skills portfolios.*

The *Employability Skills Portfolios* (PA 25, 1990; PA 164, sec. 506, 1992) consists of three categories: academic, personal management, and teamwork. Four benchmarks are generated within each category with each benchmark containing 4-11 specific employability skills that many Michigan employers currently use in their employment decisions. The *academic benchmarks* include communication, mathematics, science and technology, and problem solving. *Personal Management benchmarks* include responsibility, organization, flexibility and initiative, and career development. *Teamwork benchmarks* focus on interpersonal communication skills, responsiveness, contributing, and membership (MDE, 1995). Benchmarks and Assessment Criteria were published in the Employability Skills and Assessment Kit (ESAK) December, 1993, and disseminated to all Public School Districts in Michigan in the Spring of 1994.

The *Employability Skills portfolio* is goal oriented, skill focused, results oriented and student centered. It may also be used to meet the Accreditation/School Improvement requirement for authentic assessment of adult roles (PA 339, 1993). The

Employability Skills portfolio is intended to prompt students to document ways in which they have accomplished the skills in the profile, including work samples. Students decide, to some extent, on the information and articles to include in their own portfolios. This portfolio also serves as a motivational device for students, in addition to a method of documentation. In the School-to-Work initiative, the student portfolio plays a major role in documenting student achievement. Assessment of student portfolios is a basis for determiing the State's progress.

Some caution is warranted when students make choices about choosing items for portfolio inclusion. What students wish to communicate as representative of their qualifications may not align with what employers want to know. Portfolios emphasizing the reporting of the results of traditional, standardized, multiple-choice tests may perpetuate the use of assessments that are invalid with respect to the actual requirements of the real world, especially the world of work, (along with the inevitable phenomenon of "teaching to" such assessments).

Currently under development are new standards and benchmarks for Career and Employability Skills, one of the model core subject areas identified by the State Board of Education in 1991. On the basis of field review by the Michigan Department of Education in 1994, and Advisory Committee recommendations in 1995, additions have been made to the proposed content standards and benchmarks. More emphasis has been added to elementary and middle school benchmarks. Also, the content adds more focus on skills identified in the SCANS Report and on career development objectives of the Guidance Curriculum found in the Michigan Comprehensive Guidance and Counseling Program. The topical areas addressed are: applied communication and mathematics skills, career planning, developing and presenting information, problem solving, personal management, organizational skills, teamwork, negotiation skills, understanding systems, and using employability skills. A new working draft will be available for distribution by the sping of 1996.

The legislature mandated *Student Portfolios* (School Aid, 1991-3; PA 148, sec. 104, 1992; PA 335, sec.1279d, 1993) to contain records of a pupil's: a) academic and non-academic plans; b) academic achievement results (e.g., transcripts of local, statewide, or national achievement tests); c) career preparation (e.g., records of technical training, career preparation and experience; d) non-academic accomplishments (e.g., recognitions, awards, and certificates); and e) anything the student wants to add (Yen, 1995). This requirement was subsequently deleted from the School Code by Public Act 289 of 1995, to take effect July 1, 1996, and moved back to the School Aid Act (PA 148). **MCOVE urges school district voluntary continuation of student portfolios and student portfolio records that focus on preparation for the workforce, rather than maintaining records merely to fulfill the minimal requirements of the law.**

Commercial initiatives

Commercial initiatives concerning standards and assessments for education for the workplace are discussed, as their early efforts were significant in the skill standards movement toward employability skills and performance assessment.

Pacesetters. The College Entrance Examination Board (College Board) developed Pacesetters, "an array of secondary-school syllabi, related assessments, and professional development activities for teachers. The syllabi spell out for all students standards to raise student expectations and improve performance" (SCANS, 1992, p. 61). Payzant and Wolf (1993) stated, "Through this program, the College Board devoted major resources to determine how to make the high-standards curriculum, strong teaching, and performance assessment, long associated with its advanced placement program, a part of every high school student's experience" (p. 43). Donald M. Stewart, President of the College Board, was quoted as saying, "this is an effort by the Board for a full performance-based test to operate as an achievement test" (Rothman, 1991, p. 17).

Work Keys. American College Testing (ACT) is developing a system dubbed "Work Keys" for "profiling, assessing, and teaching employability skills" (SCANS, 1992, p. 61). The system uses assessments that are both "traditional and nontraditional" (Reese, 1995). Tests are criterion reference tests, not norm referenced. According to its developers, Work Keys has four "essential, interactive components: a systematic process for profiling individual jobs according to the specific skills they require; a variety of assessment instructions and protocols for measuring a person's employability skills; innovative formats for recording and reporting assessment results; and instructional materials and resources directly related to employability skills."

ACT states that nontraditional assessment techniques (performance based) will be required for the people/personal skill categories, e.g., organizational effectiveness/leadership skills, cooperation, interpersonal skills, communication skills, motivation/self-development skills, and the ability to learn, such as listening and writing specifically. Work Keys is developed in cooperation with the American Association of Community and Junior Colleges, the National Association of Community and Junior/Colleges, the National Association of State Directors of Career and Technical Education Consortium, the National Association of Secondary School Principals, and advisory panels from five participating States.

Worklink. The Educational Testing Service (ETS), along with the Center for Occupational Research and Development, and the Agency for Instructional Technology, developed an electronic "employer friendly" student achievement record (SCANS, 1992; "Worklink Seeks", 1991). Worklink "provides to employers: (1) a reformatted high school transcript that is easy to interpret; (2) work-skills assessment covering such aptitudes as reading and using manuals, everyday math, and writing skills; (3) information on job-related behavior, including punctuality, timely work completion, and willingness to follow directions; and (4) information on work experience and out-of-school training. Students will be able to use their records as a resume, and employers will be able to locate potential employees from a computerized Worklink data base managed locally" (SCANS, 1992, p. 2). (ETS has also developed a video, technology-based system for assessing the patient interaction skills of nursing aide students [Wirt, 1993]).

Each of the above commercial initiatives includes assessments of work-related skills. Work Keys and Worklink attempt to increase the communication between the world of business and schools, allowing for external feedback. Commercial initiatives can be costly and many school districts may not have the financial resources to implement them. Also, producers of these packages may enjoy a monopoly--a situation that will not be in the schools' favor. These commercial initiatives have, however, provided workable models for State and regional designers, as they begin work with Industry and Business to develop work-related skill standards and assessments.

Student Occupational Competency Achievement Testing System

The Student Occupational Competency Achievement Testing (SOCAT) System was developed by the National Occupational Competency Testing Institute (NOCTI) at Ferris State University in Big Rapids, Michigan. Past users of SOCAT generally continue to identify the competency tests as SOCAT, although these tests are now called, *Job Ready and Experienced Worker* level occupational competency tests (Brooks,1995).

This nonprofit corporation serves Education, Business, Industry, and Government with tests which offer a written (multi-choice) and a performance (hands on) component. The performance test, which is administered in a laboratory, school shop, or clinical setting, consists of work assignments designed to sample the manipulative skills required in an occupation.

Test development flows from duty and task lists identified by incumbent workers through job and task analyses, ensuring that the tests are industry-driven and based on workplace standards. Thus, the *Job Ready and Experienced Worker* level tests enables students to demonstrate that they possess the knowledge and skills that competent craftpersons employ in their daily work. According to NOCTI additional training can also be prescribed; learning and achievement can be validated; advancement and promotion decisions can be facilitated; and competence can be certified.

NOCTI reports that program tests are available in most fields of career and technical education. Among their 140 nationally validated tests, 73 are designed for the student/trainee (NOCTI, 1995).

V-TECS Standards/Measurements Development

The 22-State Vocational-Technical Education Consortium of States (V-TECS) has developed a centralized, computerized system for producing occupational task lists and standards validated by representatives of Business and Industry on a national level. V-TECS has also developed a centrally-managed national testing service using a secured *criterion-referenced test* bank concept that allows the user to customize tests for each occupational title using nationally validated task lists and occupational standards as the base of reference (V-TECS, 1995).

By sharing services, technology and resources, V-TECS seeks to do its part to assure that comprehensive education programs *are based* on what a person performing the job actually does. V-TECS' mission includes promoting the systematic development and implementation of competency-based education through: a) the analysis of jobs and organization of job-related information; b) the development of vehicles for assessing student achievement; and 3) the design, development and/or identification of instructional materials that provide a validated link between instruction/training and employment. Its products and services "offer a variety of options for the acquisition of its products and services which are designed to meet the different needs and capabilities of potential users" (V-TECS, 1995).

V-TECS Direct is a software package designed for storing and retrieving V-TECS material such as identifying task lists and providing a database management and product entry system. The products *are used by people who educate and train* individuals in all settings--the public and private domain, postsecondary and secondary education, business and industry, international organizations, and developing countries. Included are administrators, designers, developers, instructors and trainers; and students and trainees. Michigan is a member of V-TECS. The V-TECS Direct System and inservice information is available at the Michigan Center for Career and Technical Education (1-800-292-1606).

Lessons Learned from Standards and Certification Projects

The shaping of policy for development and implementation of skill standards and certification in Michigan must take into account the lessons learned from national and state standards and certification efforts (Adapted from Jobs for the Future, 1994).

1. Specific skill standards should be adopted on a statewide basis by a state level governing authority.

2. Skill standards should be linked to academic standards and academic competencies, not just occupational skills.

3. The governing authority should appoint industry/career area-specific skills standard committees to develop and recommend standards for targeted industries/career areas.

4. Standards should capture broad competencies and skills.

5. Standards should be developed for each industry/career area targeted by the state for development and inclusion within the School-To-Work system.

6. Skill Standards should identify specific knowledge and skills needed by workers at career entry for each industry or occupation that is part of the state's School-To-Work system.

7. Skill standards should allow the system to certify students and workers based upon demonstrated mastery of a core knowledge of skills in an occupation or technical profession.

8. Skill standards systems should include assessment and certification components.

9. Skill standards systems may also include a quality assurance mechanism that accredits, monitors, and evaluates programs and services provided by schools, trainers, and other labor market intermediaries.

CONCLUSIONS AND RECOMMENDATIONS

The public Education system must develop a common set of standards--and a system of assessments and certification tied to those standards--that will promote the ability of each public school graduate to be economically self sufficient. A focus on *promoting economic self-sufficiency* is necessary if public school graduates are expected to obtain the skills and knowledge they will need to enter and succeed in the workforce of the 21st Century; and, if the public schools are to produce the next generation of skilled workforce personnel needed by all sectors of the Michigan economy.

Shifting the focus of public Education in the direction of *promoting economic self-sufficiency* will require changes in virtually every aspect of Michigan's Education system, from policy making and standard setting, to program design, curriculum development, teaching strategies, instructional environments, testing and assessment, and certification. In this document, the Michigan Council on Vocational Education (MCOVE) takes the position that such changes are necessary not only for Michigan's public school students, but also for the continuing health of the Michigan economy and the maintenance of the high average standard of living that has been enjoyed by Michigan's population in previous generations.

MCOVE further takes the position that this necessary redesign of Michigan's public Education can best occur within the context of Michigan's School-to-Work implementation initiative and should be based on a partnership between the State of Michigan and local Education agencies. Each should assume specific responsibilities in the "School to Work" implementation process. A primary element in this transition to Education for economic self-sufficiency is the State level establishment of a *system for developing industry- and occupation-specific skill standards*--as well as general employability skill standards--both tied to a State-level assessment and certification system. This system should drive local curriculum development and assessment at the regional and/or district level.

In order to accomplish these objectives, the Michigan Council on Vocational Education recommends the following:

1. The State Board of Education should develop and adopt policy to support the *promotion of economic self-sufficiency* as one of the primary goals of public Education in Michigan.

2. Through the use of available resources like professional development funds, local School-To-Work funds, and Michigan Department of Education technical assistance, the State Board of Education should: 1) affirm that school to work implementation is supported as the school reform mechanism for creating a system of education for economic self-sufficiency; and 2) ensure that other school reform initiatives are integrated into and made a part of the School-to-Work system.

3. The State Board of Education should establish a formal, State-level system for the development of industry and occupation-specific skill standards. Development, verification, and updating of such standards should be accomplished by private sector (Business and Labor) bodies established and supported by the State. Such a system should be responsible for developing and updating skill standards by Industry and for designing authentic assessments measuring achievement of standards which lead to certification.

4. The State Board of Education should tie the endorsed diploma to State-level skill standards. An endorsement should be granted only when competencies that are tied to State-level skill standards have been achieved, mastered, and demonstrated through assessment.

5. The State Board of Education should establish policy recognizing the role of the State in: 1) setting skill standards tied to economic self-sufficiency, 2) developing assessments to measure achievement of those standards, and 3) promoting an endorsed diploma credentialing system that documents this achievement.

6. The State Board of Education should develop policy recognizing that development of curriculum and interim assessments (short of State-level assessments tied to skill standard certification) is a regional or local district responsibility, with technical assistance from the State as needed and requested.

APPENDICES

Appendix A
Learning from Experience: Standards in the Job Training Partnership Act

Learning from Experience: Standards in the Job Training Partnership Act

The Job Training Partnership Act (JTPA) provides funding for training and employment programs for economically disadvantaged youth and adults and dislocated workers. Services are provided by local service delivery areas (SDAs), with each SDA overseen by one or more local officials and a local Private Industry Council (PIC). Participants receive basic skills and vocational training in classrooms or on-the-job, job search assistance, work experience, and some ancillary support services. The PIC may provide training, itself, or make use of local public and proprietary education institutions (Barnow, 1990). When JTPA was passed in 1982, it was the first-ever federal legislation to establish performance standards--that is, standards applying to system outcomes--for public employment or training programs, with differential consequences tied to these standards (Blalock, 1990). As such, JTPA was considered an "experimental opportunity" to test the utility of incentive-linked performance standards (Jarosik & Phelps, 1992, p. 6). The incentives have included financial rewards for SDAs that meet or exceed performance standards and compulsory technical assistance or reorganization for SDAs that fail to meet performance standards (Barnow, 1990; Melchior, 1992). In tandem with this incentive structure, JTPA "released much of the decision-making authority about process to states and communities and focused on results as the primary means of evaluating performance" (Melchior, 1992, p. 78). Thus, JTPA has had a firm outcome orientation.

JTPA performance standards began to develop during the last year of its legislative predecessor, the Comprehensive Employment and Training Act (CETA) (Barnow, 1990); and during JTPA's first year, performance standard levels reflected the average level of performance seen in CETA outcome data (Melchior, 1992). Later, standards reflected performance levels that had been seen in previous years in 75% of SDAs (Barnow, 1990). When JTPA began in 1983, the primary program included seven performance standard areas in its primary program (Title II). For adult participants, performance measures were set for: 1) entered employment rate; 2) cost per entered employment; 3) average wage at placement; and 4) entered employment rate for individuals on welfare. For youth participants, performance standards were set for 5) entered employment rate, 6) positive termination rate, and 7) cost per positive termination. The Department of Labor also provided an optional adjustment model that allowed governors to "adjust the national standards for SDAs serving unusual numbers of hard-to-serve populations or operating in areas of particularly high unemployment. The goal was to ensure the SDAs were not penalized for conditions out of their control" (Melchior, 1992, p. 84).

Over time, the performance standards and the adjustment models have been continually refined, with "intensive input from state/local entities and public interest groups" (King, 1988, p. I; see also Barnow, 1990). The performance standards expanded to a "menu" of twelve in 1988, and then contracted to six "core" measures for program year 1990-91 (Uhalde, 1992). Of these six, there are four measures for adults: 1) follow-up employment rate; 2) weekly earnings at follow-up; 3) follow-up employment rate for individuals on welfare; and 4) weekly earnings at follow-up for individuals on welfare. For youth, the measures are: 5) entered employment rate; and 6) employability enhancement rate.

One may note several differences between the six measures for FY 1990-91 and the seven measures designated at the beginning of the act. They reflect lessons learned through experience in the field--the interim outcomes of a naturalistic experiment. These lessons may be summarized as follows:

JTPA performance standards have been highly successful as motivators, so successful, in fact, that they have, at times, encouraged performance standards achievement at the expense of fundamental JTPA goals (Uhalde, 1992). This has shown up particularly in SDAs allegedly choosing students who were likely to get good jobs before training (i.e., "creaming") (Hill, Harvey, & Praskac, 1992; Osborne & Gaebler, 1992). Lesson: *expect incentive-based performance standards in a public educational services program to have a powerful impact on program design, service mix, and program delivery systems. In order to avoid undesirable side effects, incentives must be tied to standards in such a way that the achievement of some goals does not compromise the achievement of other goals.*

Cost measures were dropped beginning with the 1990-91 program year. Uhalde (1992) stated that "the use of cost measures as an incentive factor had the unintended result of discouraging longer-term and more comprehensive services to those most at risk of failure in the job market" (p. 5). Lesson: *standards designed to promote fiscal efficiency should not be implemented in the absence of concurrent standards to promote achievement of programmatic objectives. Fiscal and programmatic objectives need to be looked at as a whole.*

Initially, standards addressed status at JTPA services termination rather than after a period on-the-job "because of the burden of collecting post-program data" (Barnow, 1990, p. 25). The burden was later imposed, however, "because termination measures were believed to promote short-term approaches such as job search assistance rather than longer-term vocational and educational training" (Barnow, 1990, p. 25). On this count, Uhalde (1992) stated, "experience now shows that performance standards and incentives that promote immediate job placement do not necessarily result in the long-term labor market success of JTPA's participants; more specifically, they do not provide inducements for programs to offer comprehensive training" (p. 5). Lesson: *standards requiring job placement of students after completion of training should be comprehensive enough to assure that the relationship of placement to training, retention of employment, and the quality of the placement job are addressed--in addition to, simply, placement into employment.*

Apling (1989) noted that problems had arisen because JTPA programs were required to meet multiple performance standards that could potentially conflict with each other: "advocates of performance standards argue that social programs with multiple goals require multiple standards; however, since performance on one standard is not necessarily independent of performance on the other, programs aiming to achieve a given performance level on one standard may have to sacrifice performance on another standard" (Apling, 1989, p. 14). Apling reports that a 1988 National Commission for Employment Policy study found that "JTPA youth programs emphasizing competency skills had problems meeting job placement standards and those emphasizing job readiness and employment training had difficulty achieving standards related to educational outcomes" (p. 14). Lesson: *development of a set of internally-consistent program objectives, that, taken together, are designed to lead to the achievement of program goals, should precede the development of standards. In the absence of such* *internal consistency among objectives, standards could conflict in the sense that achievement of one may interfere with the achievement of another.*

Barnow (1990) notes that, "the data items collected for the adjustment models are useful for assessing whether the program is reaching the appropriate target group, and JTPA now has far richer data on its participants than any other federal training program" (p. 26). Lesson: *if data are collected with regard to adjustments for local conditions, they will be valuable in their own right.*

Melchior (1992) points out with respect to JTPA performance standards that, "to measure net impact effectively generally requires a formal evaluation and an experimental control group so that comparisons can be made with what happens in the absence of any intervention" (p. 92). JTPA has yet to conduct an experimental analysis that would provide a valid demonstration of the effects of its performance standards. Melchior (1992) claims, "the absence of a clear and unambiguous connection between the measures and the act's goals of increased earnings and reduced welfare dependency leaves open the question of whether the standards are driving the system toward maximum impact" (p. 93). Lesson: *in the absence of experimental controls, the validity of conclusions about the effects of performance standards is subject to question.*

Barnow (1990) states, "by including state and local government officials in the process of developing the system, the Department of Labor has achieved the goal of getting states and the SDAs to pay attention to program outcomes" (p. 26). Similarly, Aaronson (1992) states that, "perhaps the most enduring lesson learned since the inception of JTPA performance standards is the importance of consulting with those segments of the JTPA system most affected by the standards: governors who will be implementing performance standards policy; SDAs where performance standards will be applied; JTPA client groups whose outcomes will be measured; and other agencies collaborating with JTPA in the comprehensive delivery of human services to needy participants" (p. 2).

JTPA's performance standards have been praised for "coherent design and implementation, broad acceptance in the field, success in focusing states and SDAs on the importance of outcomes, and effectiveness in building a positive image and public support for JTPA" (Melchior, 1992, p. 91; see also Barnow, 1990). Lesson: *it would be worthwhile to experiment with performance standards in vocational education.*

Appendix B
Michigan Educational Assessment Program (MEAP) and the High School Proficiency Test (HSPT) Windows

Michigan Educational Assessment Program (MEAP) and High School Proficiency Test (HSPT) Windows

	Fall 1995	**Spring 1996**
	October 16 - 27, 1995	**March 4 - 22, 1996**
Grade 4	MEAP Reading & Math	
Grade 7	MEAP Reading & Math	
Grade 5		MEAP Writing & Science
Grade 8		MEAP Writing & Science
Grade 11 (1997 Grads)	MEAP Retest Reading & Math*	1. HSPT Reading Writing Math Science
		(All Grade 11 Students Must Take the HSPT)
		2. MEAP Retest Reading & Math*
Grade 12 (1996 Grads)	MEAP Retest Reading, Math &	MEAP Retest Reading, Math & Science*

	Fall 1996	**Spring 1997**
	September 30 - October 11, 1996	
Grade 11 (1998 Grads)		**1. HSPT Reading Writing Math Science**
		(All Grade 11 Students Must Take the HSPT)
Grade 12 (1997 Grads)	**1. MEAP Retest Reading & Math***	**1. MEAP Retest Reading & Math***
	2. Science HSPT Retesting*	**2. Science HSPT Retesting***

	Fall 1997	**Spring 1998**
	October 13 - 24, 1996	
Grade 11 (1999 Grads)		**HSPT Reading Writing Math Science & Social**
		Studies
		(All Grade 11 Students Must Take the HSPT)
Grade 12 (1998 Grads)	**HSPT Retest***	**HSPT Retest***
	Reading Writing Math Science	**Reading Writing Math Science**

*To Receive a Diploma Endorsement

Appendix C
The 1995-96 State Aid Act (PA 130)
Section 104a

1995-96 State Aid Act (PA 130)

Sec. 104a. (1) In order to receive state aid under this act, a district shall comply with this section and shall award a state-endorsed high school diploma to an eligible graduate as provided in this section. For a pupil scheduled to graduate in 1994, 1995, or 1996 to be eligible for a state-endorsement in 1 or more of the subject areas of communication arts, mathematics, or science, the pupil must achieve at least 1 of the following:

(a) A passing score on locally-adopted and state-approved basic proficiency tests measuring proficiency in 1 or more of the subject areas specified in this subsection.

(b) If the pupil is eligible to take the general education development (G.E.D.) test, a passing score in 1 or more of the subject areas specified in this subsection and tested in the G.E.D. test.

(c) For a state endorsement in communications arts, at least a score of moderate on the reading portion of the Michigan educational assessment program (MEAP) grade 10 test; for a state endorsement in mathematics, at least a score of moderate on the mathematics portion of the MEAP grade 10 test; and, for a state endorsement in science, at least 50% of the objectives on the science portion of the MEAP grade 11 test. For pupils scheduled to graduate in 1997, the department may use a version of the science assessment instrument developed under subsection (8) instead of the science portion of the MEAP grade 11 test, and, in its discretion, may administer that science assessment instrument in the fall of 1995 or the spring of 1996, or both. If the department uses that science assessment instrument, as provided under this subdivision, the department, based on expert advice, shall determine the level of proficiency that must be demonstrated for a pupil scheduled to graduate in 1997 to earn a state endorsement in science. That level of proficiency shall be comparable to the level of proficiency that pupils scheduled to graduate in 1996 were required to demonstrate on the science portion of the MEAP grade 11 test to earn a state endorsement in science.

(2) For pupils scheduled to graduate in 1997, if a pupil achieves the outcomes required by the state board, as measured by an assessment instrument developed under subsection (8), for a state-endorsed high school diploma, or meets the requirements described in subsection (1)(c) for a state-endorsed diploma, in 1 or more of the subject areas of communications skills, mathematics, and science, the pupil's district shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. Beginning with pupils scheduled to graduate in 1998, if a pupil achieves the outcomes required by the state board, as measured by an assessment instrument developed under subsection (8), for a state-endorsed high school diploma in 1 or more of the subject areas of communications skills, mathematics, and science, the pupil's district shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. A district shall not award a state endorsement to a pupil unless the pupil meets the applicable requirements for the endorsement, as described in this subsection. A school district may award a high school diploma to a pupil who successfully completes local district requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

(3) A district that offers a pupil the opportunity to pass a basic proficiency test described in subsection (1)(a) as 1 means to obtain a state-endorsed diploma in 1994, 1995, or 1996 may submit the district's own basic proficiency test to the department for approval to be used by the district to assess proficiency.

(4) A pupil who does not achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, may be reevaluated each school year until the pupil achieves an applicable requirement for a state-endorsed diploma. In addition, the board of the district in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the district's staff or a local or intermediate district consultant who is proficient in the measurement and evaluation of pupils. The district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil reach proficiency in each subject or skill area in which he or she was assessed by the testing as not proficient. In addition, a district may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The board may provide special programs for the pupil or may develop a program using the educational programs regularly provided by the district. A pupil may be reevaluated at any time the district administers an applicable assessment instrument.

(5) For a state-endorsed diploma, a pupil must achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, in addition to any other requirements established by law or by the board of a district for a high school diploma. If the board of a district determines that a pupil qualifies for a state-endorsed diploma, the board shall indicate on the pupil's high school diploma and transcript that the pupil achieved the proficiency necessary for receipt of a state-endorsed diploma.

(6) An individual may repeat any of the tests or assessment instruments specified in subsection (1) or subsection (2), as applicable, at any time the district or department regularly offers the test or assessment and, upon achieving at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, and completing all other applicable requirements for a high school diploma, shall be awarded a state-endorsed diploma.

(7) A district shall provide accommodations to a pupil with disabilities for the proficiency testing or assessment required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes. A special education pupil scheduled to graduate in 1994, 1995, or 1996 who has passed an alternative form of assessment permitted under this section as it was in effect for 1992-93 shall receive the applicable endorsement under this section.

(8) Not later than July 31, 1993, for the purposes of this section, the state board shall develop or select and approve assessment instruments to determine pupil proficiency in communications skills, mathematics, and science. The assessment instruments shall be based on the state board model core curriculum outcomes.

(9) Not later than July 31, 1995, the state board shall develop or select and approve assessment instruments for the purpose of awarding state endorsements of advanced mastery in specified subject areas.

BEST COPY AVAILABLE

Appendix D
Public Act 289 of 1995
(to take effect 7/1/96)

Public Act 289 of 1995

(to take effect 7/1/96)

AN ACT to amend the title and sections 1, 3, 5, 6, 11, 416, 501, 502, 503, 504a, 507, 511, 512, 513, 514a, 517, 604, 623, 624, 627, 687, 690, 851, 971, 1009, 1010, 1021, 1066, 1101, 1104, 1131, 1153, 1155, 1175, 1177, 1178, 1233, 1233b, 1236, 1246, 1254, 1260, 1267, 1269, 1272a, 1277, 1278, 1279, 1279c, 1280, 1281, 1284, 1289, 1303, 1312, 1525, 1526, 1531, 1532, 1535a, 1539a, 1539b, 1561, 1602, and 1703 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for the regulation of school teachers and school administrators; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," sections 5, 501, 502, 503, 623, 627, 1267, 1281, and 1289 as amended and sections 504a, 511, 512, 513, 514a, 517, and 1260 as added by Act No. 416 of the Public Acts of 1994, section 6 as amended by Act No. 159 of the Public Acts of 1989, section 507 as added by Act No. 362 of the Public Acts of 1993, section 624 as amended by Act No. 87 of the Public Acts of 1981, section 690 as amended by Act No. 5 of the Public Acts of 1985, section 1066 as amended by Act No. 322 of the Public Acts of 1984, section 1175 as amended by Act No. 389 of the Public Acts of 1984, section 1233 as amended by Act No. 25 of the Public Acts of 1990, section 1233b as added by Act No. 25 of the Public Acts of 1990, section 1236 as amended by Act No. 72 of the Public Acts of 1986, section 1246 as amended by Act No. 413 of the Public Acts of 1994, section 1254 as amended by Act No. 257 of the Public Acts of 1988, sections 1272a, 1278, 1280, 1284, and 1531 as amended and sections 1279, 1279c, 1525, and 1526 as added by Act No. 335 of the Public Acts of 1993, section 1277 as amended by Act No. 339 of the Public Acts of 1993, section 1303 as added by Act No. 215 of the Public Acts of 1988, section 1312 as amended by Act No. 6 of the Public Acts of 1992, section 1532 as amended by Act No. 503 of the Public Acts of 1988, and sections 1535a, 1539a, and 1539b as amended by Act No. 97 of the Public Acts of 1995, being sections 380.1, 380.3, 380.5, 380.6, 380.11, 380.416, 380.501, 380.502, 380.503, 380.504a, 380.507, 380.511, 380.512, 380.513, 380.514a, 380.517, 380.604, 380.623, 380.624, 380.627, 380.687, 380.690, 380.851, 380.971, 380.1009, 380.1010, 380.1021, 380.1066, 380.1101, 380.1104, 380.1131, 380.1153, 380.1155, 380.1175, 380.1177, 380.1178, 380.1233, 380.1233b, 380.1236, 380.1246, 380.1254, 380.1260, 380.1267, 380.1269, 380.1272a, 380.1277, 380.1278, 380.1279, 380.1279c, 380.1280, 380.1281, 380.1284, 380.1289, 380.1303, 380.1312, 380.1525, 380.1526, 380.1531, 380.1532, 380.1535a, 380.1539a, 380.1539b, 380.1561, 380.1602, and 380.1703 of the Michigan Compiled Laws; to add sections 10, 11a, 11b, 401a, 501a, 503a, 504b, 511a, 513a, 514b, 601a, 953a, 1031, 1032, 1137, 1227, 1228, 1229, 1229a, 1250, 1299, 1507a, 1527, 1621a, and 1851a; and to repeal acts and parts of acts.

BEST COPY AVAILABLE

The People of the State of Michigan enact:

Section 1. The title and sections 1, 3, 5, 6, 11, 416, 501, 502, 503, 504a, 507, 511, 512, 513, 514a, 517, 604, 623, 624, 627, 687, 690, 851, 971, 1009, 1010, 1021, 1066, 1101, 1104, 1131, 1153, 1155, 1175, 1177, 1178, 1233, 1233b, 1236, 1246, 1254, 1260, 1267, 1269, 1272a, 1277, 1278, 1279, 1279c, 1280, 1281, 1284, 1289, 1303, 1312, 1525, 1526, 1531, 1532, 1535a, 1539a, 1539b, 1561, 1602, and 1703 of Act No. 451 of the Public Acts of 1976, sections 5, 501, 502, 503, 623, 627, 1267, 1281, and 1289 as amended and sections 504a, 511, 512, 513, 514a, 517, and 1260 as added by Act No. 416 of the Public Acts of 1994, section 6 as amended by Act No. 159 of the Public Acts of 1989, section 507 as added by Act No. 362 of the Public Acts of 1993, section 624 as amended by Act No. 87 of the Public Acts of 1981, section 690 as amended by Act No. 5 of the Public Acts of 1985, section 1066 as amended by Act No. 322 of the Public Acts of 1984, section 1175 as amended by Act No. 389 of the Public Acts of 1984, section 1233 as amended by Act No. 25 of the Public Acts of 1990, section 1233b as added by Act No. 25 of the Public Acts of 1990, section 1236 as amended by Act No. 72 of the Public Acts of 1986, section 1246 as amended by Act No. 413 of the Public Acts of 1994, section 1254 as amended by Act No. 257 of the Public Acts of 1988, sections 1272a, 1278, 1280, 1284, and 1531 as amended and sections 1279, 1279c, 1525, and 1526 as added by Act No. 335 of the Public Acts of 1993, section 1277 as amended by Act No. 339 of the Public Acts of 1993, section 1303 as added by Act No. 215 of the Public Acts of 1988, section 1312 as amended by Act No. 6 of the Public Acts of 1992, section 1532 as amended by Act No. 503 of the Public Acts of 1988, and sections 1535a, 1539a, and 1539b as amended by Act No. 97 of the Public Acts of 1995, being sections 380.1, 380.3, 380.5, 380.6, 380.11, 380.416, 380.501, 380.502, 380.503, 380.504a, 380.507, 380.511, 380.512, 380.513, 380.514a, 380.517, 380.604, 380.623, 380.624, 380.627, 380.687, 380.690, 380.851, 380.971, 380.1009, 380.1010, 380.1021, 380.1066, 380.1101, 380.1104, 380.1131, 380.1153, 380.1155, 380.1175, 380.1177, 380.1178, 380.1233, 380.1233b, 380.1236, 380.1246, 380.1254, 380.1260, 380.1267, 380.1269, 380.1272a, 380.1277, 380.1278, 380.1279, 380.1279c, 380.1280, 380.1281, 380.1284, 380.1289, 380.1303, 380.1312, 380.1525, 380.1526, 380.1531, 380.1532, 380.1535a, 380.1539a, 380.1539b, 380.1561, 380.1602, and 380.1703 of the Michigan Compiled Laws, are amended and sections 10, 11a, 11b, 401a, 501a, 503a, 504b, 511a, 513a, 514b, 601a, 953a, 1031, 1032, 1137, 1227, 1228, 1229, 1229a, 1250, 1299, 1507a, 1527, 1621a, and 1851a are added to read as follows:

TITLE

An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.

Sec. 1. This act shall be known and may be cited as "the revised school code".

Sec. 3. (1) "Area" as used in the phrase "area vocational-technical education program" means the geographical territory, both within and without the boundaries of either a K to 12 school district or a community college district, that is designated by the state board as the service area for the operation of an area vocational-technical education program.

(2) "Area vocational-technical education program" means a program of organized, systematic instruction designed to prepare the following persons for useful employment in recognized occupations:

(a) Persons enrolled in high school.

(b) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.

(c) Persons who have entered the labor market and who need training or retraining to achieve stability or advancement in employment.

(3) "Board" or "school board" means the governing body of a local school district or a local act school district unless clearly otherwise stated.

(4) "Boarding school" means a place accepting for board, care, and instruction 5 or more children under 16 years of age.

(5) "Constituent district" means a local school district or special act school district the territory of which is entirely within and is an integral part of an intermediate school district.

Sec. 5. (1) "Local act school district" or "special act school district" means a district governed by a special or local act or chapter of a local act. "Local school district" and "local school district board" as used in article 3 include local act school district and a local act school district board.

(2) "Membership" means the number of full-time equivalent pupils in a public school as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board.

(3) "Nonpublic school" means a private, denominational, or parochial school.

(4) "Objectives" means measurable pupil academic skills and knowledge.

(5) "Public school" means a public elementary or secondary educational entity or agency that is established under this act, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(6) "Pupil membership count day" of a school district means that term as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(7) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.

(8) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 6. (1) "School district" or "local school district" means a general powers school district organized under this act, regardless of previous classification, or a school district of the first class.

(2) "School elector" means a person qualified as an elector under section 492 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.492 of the Michigan Compiled Laws, registered as provided in part 12, and resident of the school district, local act school district, or intermediate school district on or before the thirtieth day before the next ensuing annual or special school election.

(3) "School month" means a 4-week period of 5 days each unless otherwise specified in the teacher's contract.

(4) "Special education building and equipment" means a structure or portion of a structure or personal property accepted, leased, purchased, or otherwise acquired, prepared, or used for special education programs and services.

(5) "Special education personnel" means persons engaged in and having professional responsibility for the training, care, and education of handicapped persons in special education programs and services including, but not limited to, teachers, aides, school social workers, diagnostic personnel, physical therapists, occupational therapists, audiologists, teachers of speech and language, instructional media-curriculum specialists, mobility specialists, teacher consultants, supervisors, and directors.

(6) "Special education programs and services" means educational and training services designed for handicappers and operated by local school districts, local act school districts, intermediate school districts, the Michigan school for the blind, the Michigan school for the deaf, the department of mental health, the department of social services, or a combination thereof, and ancillary professional services for handicappers rendered by agencies approved by the state board. The programs shall include vocational training, but need not include academic programs of college or university level.

(7) "State approved nonpublic school" means a nonpublic school that complies with Act No. 302 of the Public Acts of 1921, being sections 388.551 to 388.558 of the Michigan Compiled Laws.

(8) "State board" means the state board of education unless clearly otherwise stated.

(9) "Department" means the department of education created and operating under sections 300 to 305 of the executive organization act of 1965, Act No. 380 of the Public Acts of 1965, being sections 16.400 to 16.405 of the Michigan Compiled Laws.

(10) "State school aid" means allotments from the general appropriating act for the purpose of aiding in the support of the public schools of the state.

(11) "The state school aid act of 1979" means Act No. 94 of the Public Acts of 1979, being sections 388.1601 to 388.1772 of the Michigan Compiled Laws.

Sec. 10. It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.

Sec. 11. Each school district, except a school district of the first class, shall be organized and conducted as a general powers school district regardless of previous classification.

Sec. 11a. (1) Beginning on the effective date of this section, each school district formerly organized as a primary school district or as a school district of the fourth class, third class, or second class shall be a general powers school district under this act.

(2) Beginning on the effective date of this section, a school district operating under a special or local act shall operate as a general powers school district under this act except to the extent that the special or local act is inconsistent with this act. Upon repeal of a special or local act that governs a school district, that school district shall become a general powers school district under this act.

(3) A general powers school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to any power expressly stated in this act; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to operation of the school district in the interests of public elementary and secondary education in the school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

(c) Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out school district powers. A school district may indemnify its employees.

(e) Receiving, accounting for, investing, or expending school district money; borrowing money and pledging school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources.

(4) A general powers school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the school district.

(5) A general powers school district is a body corporate and shall be governed by a school board. An act of a school board is not valid unless approved, at a meeting of the school board, by a majority vote of the members lawfully serving on the board.

(6) The board of a general powers school district shall adopt bylaws. These bylaws may establish or change board procedures, the number of board officers, titles and duties of board officers, and any other matter related to effective and efficient functioning of the board. Regular meetings of the board shall be held at least once each month, at the time and place fixed by the bylaws. Special meetings may be called and held in the manner and for the purposes specified in the bylaws. Board procedures, bylaws, and policies in effect on the effective date of this section shall continue in effect until changed by action of the board.

(7) The board of a school district shall be elected as provided under this act and the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The number of members of the board of a general powers school district and the term of office for a board member of a general powers school district shall remain the same as they were for that school district before the effective date of this section unless either or both are changed by the school electors of the school district at a regular or special election. A proposition for changing the number of board members or term of office may be placed on the ballot by action of the board or by petition submitted by school electors as provided under this act.

(8) On the effective date of this section, the board of each school district shall continue to be the board of the school district and to function in that capacity. A person lawfully serving on the effective date of this act as a member of the board of a school district shall continue to be a member of the board and shall continue in office for the remainder of the term for which the person was elected or appointed.

(9) Unless expressly provided in the amendatory act that added this section, the powers of a school board or school district are not diminished by this section or by the amendatory act that added this section.

(10) A school district operating a public library, public museum, or community recreational facility as of the effective date of the amendatory act that added this section may continue to operate the public library, public museum, or community recreational facility.

Sec. 11b. Not later than 180 days after the effective date of this section, the state board shall prepare and submit to the committees of the legislature with responsibility for education legislation a report that does all of the following:

(a) Details the mandates imposed on school districts, intermediate school districts, and public school academies, and on their boards, by this act, the state school aid act of 1979, other state statute, or rule.

(b) Makes recommendations on mandates that should be eliminated by law.

(c) Makes recommendations on mandates applying to school districts, intermediate school districts, or public school academies, or their boards, that should, by legislation, be made subject to waiver by the state board or superintendent of public instruction and on proposed requirements for obtaining such a waiver.

Sec. 401a. (1) Except as provided by law, a first class school district has all of the powers granted to a general powers school district in section 11a and has all additional powers granted by law to a first class school district or the board of a first class school district.

(2) Unless expressly provided in the amendatory act that added this section, the powers of a first class school district are not diminished by this section or by the amendatory act that added this section.

Sec. 416. (1) The officers of the first class school district board shall be a president, vice-president, secretary, and treasurer. The board, a majority of which shall constitute a quorum, shall elect its president and vice-president biennially from among the members of the board. In case of a vacancy in the office of president, the vice-president shall succeed to the office of president for the balance of the unexpired term. The secretary and treasurer shall be appointed by the board but shall not be members of the board and shall receive a salary fixed by the board.

(2) The president, vice-president, and secretary shall perform the duties prescribed by the bylaws and regulations of the board. The duties of the treasurer shall be determined by the school district general superintendent, as approved by the board.

(3) The officers of the board who in the discharge of the duties of their respective positions handle funds belonging to the first class school district shall be required to give bonds for the faithful performance of their duties in accordance with the bylaws and regulations of the board. The premium of the bonds shall be paid from the funds of the board.

(4) The school district treasurer shall have the custody of all money belonging to the school district and shall pay out money pursuant to section 433. The funds shall be deposited with depositories selected by the board, and the interest derived shall be paid into the general fund of the board.

(5) The board shall require from the school district treasurer a separate bond of not less than $200,000.00 to protect the funds of the board.

Sec. 501. (1) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

(a) "Authorizing body" means any of the following that issues a contract as provided in this part:

(*i*) The board of a school district that operates grades K to 12.

(*ii*) An intermediate school board.

(*iii*) The board of a community college.

(*iv*) The governing board of a state public university.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the state board under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, Act No. 331 of the Public Acts of 1966, being sections 389.1 to 389.195 of the Michigan Compiled Laws, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) "State public university" means a university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 501a. Not later than 1 year after the effective date of this section, and at least annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the house and senate committees on education. The report shall evaluate public school academies generally, including, but not limited to, an evaluation of whether public school academies are fulfilling the purposes specified in section 511(1). The report also shall contain, for each public school academy, a copy of the academy's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, except that a public school academy corporation is not required to comply with sections 170 to 177 of Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(*i*) The name of the proposed public school academy.

(*ii*) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(*iii*) The name of the authorizing body.

(*iv*) The proposed time when the articles of incorporation will be effective.

(*v*) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(*i*) The governance structure of the public school academy.

(*ii*) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(*iii*) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(*iv*) The school calendar and school day schedule.

(*v*) The age or grade range of pupils to be enrolled.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.

(j) A description of and address for the proposed physical plant in which the public school academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

(7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.

Sec. 503. (1) An authorizing body is not required to issue a contract to any person or entity. Public school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed public school academy, the population to be served by the proposed public school academy, and the educational goals to be achieved by the proposed public school academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more public school academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 502(3) and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a public school academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 502.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction.

(5) A contract issued to organize and administer a public school academy shall contain at least all of the following:

(a) The educational goals the public school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

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(b) A description of the method to be used to monitor the public school academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract.

(d) All of the matters set forth in the application for the contract.

(e) For a public school academy authorized by a school district, an agreement that employees of the public school academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not public school academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 507.

(g) A description of and address for the proposed physical plant in which the public school academy will be located.

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(6) A public school academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(b) The freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(c) Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.217 of the Michigan Compiled Laws.

(d) Act No. 166 of the Public Acts of 1965, being sections 408.551 to 408.558 of the Michigan Compiled Laws.

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(7) A public school academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of Act No. 170 of the Public Acts of 1964, being section 691.1407 of the Michigan Compiled Laws. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a public school academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(8) A public school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a public school academy are exempt from all taxation including taxes imposed by Act No. 134 of the Public Acts of 1966, being sections 207.501 to 207.513 of the Michigan Compiled Laws. A public school academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more public school academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(9) A public school academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a public school academy may proceed under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, excluding sections 6 to 9 of that act, being sections 213.56 to 213.59 of the Michigan Compiled Laws, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

Sec. 503a. If a school district or intermediate school district applies for and obtains a contract to operate 1 or more public school academies under this part, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a public school academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a public school academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by the school district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

Sec. 504a. In addition to other powers set forth in this part, a public school academy may take action to carry out the purposes for which it was incorporated under this part, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the public school academy require.

(c) To receive and disburse funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the public school academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the public school academy in the furtherance of its public purposes.

Sec. 504b. If a public school academy is operated by a school district that is subject to a court desegregation order, pupil selection at the public school academy is subject to that order.

Sec. 507. (1) The authorizing body for a public school academy is the fiscal agent for the public school academy. A state school aid payment for a public school academy shall be paid to the authorizing body that is the fiscal agent for that public school academy, which shall then forward the payment to the public school academy. An authorizing body has the responsibility to oversee a public school academy's compliance with the contract and all applicable law. A contract issued under this part may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following has occurred:

(a) Failure of the public school academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the public school academy to comply with all applicable law.

(c) Failure of the public school academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(2) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the public school academy, public school academy corporation, a pupil of the public school academy, the parent or guardian of a pupil of the public school academy, or any other person.

Sec. 511. (1) To improve the public elementary and secondary schools of this state, public school academies may be established within this state's system of public schools, as provided under this part, as a means of achieving the following purposes:

(a) To improve pupil achievement for all pupils, including, but not limited to, educationally disadvantaged pupils, by improving the learning environment.

(b) To stimulate innovative teaching methods.

(c) To create new professional opportunities for teachers in a new type of public school in which the school structure and educational program can be innovatively designed and managed by teachers at the school site level.

(d) To achieve school accountability for pupil educational performance by placing full responsibility for performance at the school site level.

(e) To provide parents and pupils with greater choices among public schools, both within and outside their existing school districts.

(f) To determine whether state educational funds can be more effectively, efficiently, and equitably utilized by allocating funds on a per pupil basis directly to the school rather than through school district administration.

(2) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(3) As used in this part:

(a) "Authorizing body" means any of the following that issues a contract as provided in this part:

(*i*) The board of a school district that operates grades K to 12.

(*ii*) An intermediate school board.

(*iii*) The board of a community college.

(*iv*) The governing board of a state public university.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the state board under this act.

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(c) "Community college" means a community college organized under the community college act of 1966, Act No. 331 of the Public Acts of 1966, being sections 389.1 to 389.195 of the Michigan Compiled Laws, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) "State public university" means a university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 511a. Not later than 1 year after the effective date of this section, and at least annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the house and senate committees on education. The report shall evaluate public school academies generally, including, but not limited to, an evaluation of whether public school academies are fulfilling the purposes specified in section 511(1). The report also shall contain, for each public school academy, a copy of the academy's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body. This information may be included in the report required under section 517a instead of in a separate report.

Sec. 512. (1) Subject to the leadership and general supervision of the state board over all public education, a public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized as provided under section 512a. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 511a, 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

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(b) Subject to the resolution adopted by the authorizing body under section 513(5), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall meet the requirements of section 512a.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(*i*) The governance structure of the public school academy.

(*ii*) A copy of the educational goals and programs of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. The educational goals and programs and the curricula to be offered shall fulfill at least 1 of the purposes described in section 511(1). To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(*iii*) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 514. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(*iv*) The school calendar and school day schedule.

(*v*) The age or grade range of pupils to be enrolled.

(*vi*) Any other documentation required by the authorizing body or by state board rule.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.

(j) A description of and address for the proposed physical plant in which the public school academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension, and may be renewed by the authorizing body during the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

Sec. 513. (1) An authorizing body is not required to issue a contract to any person or entity. Public school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed public school academy, the population to be served by the proposed public school academy, and the educational goals to be achieved by the proposed public school academy.

(2) If an authorizing body determines that an application submitted to it under section 512 meets the authorizing body's requirements and the requirements of applicable law, the authorizing body, by 1 or more resolutions, may approve the application, adopt articles of incorporation for the public school academy, appoint the initial board of directors for the public school academy, and approve and authorize execution of the contract between the authorizing body and the public school academy. The affirmative vote of a majority of the members serving on the board of the authorizing body is required for adoption of a resolution described in this subsection.

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(3) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more public school academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 512(3) and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract in the manner specified in subsection (2).

(4) Within 10 days after issuing a contract for a public school academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 512.

(5) Subject to section 512a, an authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction.

(6) A contract issued to organize and administer a public school academy shall contain at least all of the following:

(a) The educational goals the public school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(b) A description of the method to be used to monitor the public school academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract.

(d) All of the matters set forth in the application for the contract.

(e) For a public school academy authorized by a school district, an agreement that employees of the public school academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not public school academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 517.

(g) A description of and address for the proposed physical plant in which the public school academy will be located.

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(i) Types and amounts of insurance coverage.

(j) Legal remedies of the authorizing body and the state board, in addition to remedies under law, for substantial failure by the public school academy to meet its obligations under the contract.

(7) The term of a contract issued under this section shall not exceed 10 years, and a contract is subject to mandatory review at least every 7 years by the authorizing body to review whether the public school academy is in compliance with the contract and applicable law. A contract may be renewed by the authorizing body for succeeding terms not to exceed 10 years, subject to mandatory review as described in this subsection.

(8) A public school academy shall comply with all of the following:

(a) The open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(b) The freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(c) Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.217 of the Michigan Compiled Laws.

(d) Act No. 166 of the Public Acts of 1965, being sections 408.551 to 408.558 of the Michigan Compiled Laws.

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(f) Act No. 35 of the Public Acts of 1951, being sections 124.1 to 124.13 of the Michigan Compiled Laws.

(g) Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws.

(9) Subsection (8) does not exempt a public school academy from any law.

(10) A public school academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of Act No. 170 of the Public Acts of 1964, being section 691.1407 of the Michigan Compiled Laws. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a public school academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(11) A public school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a public school academy are exempt from all taxation including taxes imposed by Act No. 134 of the Public Acts of 1966, being sections 207.501 to 207.513 of the Michigan Compiled Laws. A public school academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more public school academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(12) A public school academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a public school academy may proceed under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, excluding sections 6 to 9 of that act, being sections 213.56 to 213.59 of the Michigan Compiled Laws, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

Sec. 513a. If a school district or intermediate school district applies for and obtains a contract to operate 1 or more public school academies under this part, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a public school academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a public school academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by a school district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

Sec. 514a. In addition to other powers set forth in this part, a public school academy may take action to carry out the purposes for which it was incorporated under this part, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the public school academy require.

(c) To receive and disburse funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the public school academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the public school academy in the furtherance of its public purposes.

Sec. 514b. If a public school academy is operated by a school district that is subject to a court desegregation order, pupil selection at the public school academy is subject to that order.

Sec. 517. (1) The authorizing body for a public school academy is the fiscal agent for the public school academy. Subject to the state school aid act of 1979 and applicable state board rules, a state school aid payment for a public school academy shall be paid to the authorizing body that is the fiscal agent for that public school academy, which shall then forward the payment to the public school academy.

(2) Subject to the leadership and general supervision of the state board over all public education, an authorizing body has the responsibility to oversee a public school academy's compliance with the contract and all applicable law.

(3) In addition to other remedies available to the authorizing body or state board under the contract or by law, a contract issued under this part may be revoked by the authorizing body that issued the contract or by the state board if the authorizing body or state board determines that 1 or more of the following has occurred:

(a) Failure of the public school academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the public school academy to comply with all applicable law.

(c) Substantial failure to comply with applicable state board rule.

(d) Failure of the public school academy to meet generally accepted public sector accounting principles.

(e) The existence of 1 or more other grounds for revocation as specified in the contract.

(f) Failure of the public school academy to pay for services provided to the public school academy by a nonauthorizing local or intermediate school district, if the public school academy requested and contracted for the services.

(4) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the public school academy, public school academy corporation, a pupil of the public school academy, the parent or guardian of a pupil of the public school academy, or any other person.

Sec. 601a. (1) An intermediate school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to any power expressly stated in this act; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the intermediate school district in the interests of public elementary and secondary education in the intermediate school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

(c) Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying intermediate school district property, facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out intermediate school district powers. An intermediate school district may indemnify its employees.

(e) Receiving, accounting for, investing, or expending intermediate school district money; borrowing money and pledging intermediate school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources.

(2) An intermediate school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the intermediate school district.

(3) An intermediate school board may conduct, operate, participate in, administer, or serve as fiscal agent or administrative entity, or both, for 1 or more programs involving workforce development, including, but not limited to, job training and development programs, school-to-work initiatives, work first or programs under the job training partnership act, Public Law 97-300, 96 Stat. 1322, or a successor program.

(4) Unless expressly provided in the amendatory act that added this section, the powers of an intermediate school board or intermediate school district are not diminished by this section or by the amendatory act that added this section.

Sec. 604. An intermediate school district is a body corporate governed by an intermediate school board, to be known as "the intermediate school board of the intermediate school district of the county (or counties) of __________", and under that name may sue and be sued. The intermediate school board may choose a distinctive name for the intermediate school district if approval is given by the state board.

Sec. 623. (1) The intermediate school board shall do all of the following:

(a) Perform duties required by law and by the state board, but shall not supersede or replace the board of a constituent district, nor shall the intermediate school board control or otherwise interfere with the rights of constituent districts or public school academies except as provided in this part.

(b) Employ a superintendent, assistants, and other employees the intermediate school board considers necessary and fix their compensation. The compensation of the intermediate superintendent, assistants, and other employees shall include salaries, travel expenses incurred in the discharge of their official duties, and other benefits the board approves. The necessary contingent expenses of the office of the intermediate school board and the intermediate superintendent shall be paid by the treasurer subject to the authorization of the intermediate school board. The intermediate superintendent shall have the qualifications prescribed in section 651 and perform the duties provided by law and by the intermediate school board.

(2) The business the intermediate school board is authorized to perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. An act of the board shall not be valid unless voted at a meeting by a majority vote of the members elected and serving on the board and a record made of the vote. An action of an intermediate school board on matters of personnel, property transfers, bonding, expenditures of money, or other matters designated by the board's bylaws shall be by yea and nay vote entered upon its record. Public notice of the time, date, and place of the meeting shall be given in the manner required by section 5 of Act No. 267 of the Public Acts of 1976, being section 15.265 of the Michigan Compiled Laws.

Sec. 624. (1) Not later than April 1 of each year, the intermediate school board shall prepare an annual general fund operating budget, which shall be in the form prescribed by the county tax allocation board, and shall file the budget with the county clerk of each county in which the intermediate school board is situated except a county that has established separate tax limitation millage rates pursuant to sections 5a to 5*l* of the property tax limitation act, Act No. 62 of the Public Acts of 1933, being sections 211.205a to 211.205*l* of the Michigan Compiled Laws. Each county clerk receiving the budget shall deliver it to the county tax allocation board in the same manner as other school district budgets are handled.

(2) Not later than June 1 of each year, the board shall submit the budget, for review, to a meeting of 1 board member named from each constituent district to represent the district. At the meeting the president of the intermediate school board shall preside, and the intermediate secretary shall keep the minutes.

(3) The tax allocation board shall receive the budget from its county clerk and shall allocate a tax rate to the intermediate school district. Not later than September 1 of each year, or not later than 5 days after the election if taxes are authorized at an election held pursuant to section 36(2) of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.36 of the Michigan Compiled Laws, the secretary of the intermediate school board shall file a certified copy of the resolution of the intermediate school board certifying the taxes to be levied on the taxable property within the intermediate school district with the clerk of each city and township in which the district is situated.

(4) As used in this section, "general fund operating budget" means the budget that includes revenues from the intermediate school district's share of mills as determined by the tax allocation board or by referendum and state school aid. Disbursements from the general fund operating budget shall apply to those expenditures required for the operation of all intermediate school district programs except cooperative education, special education, and vocational education, and may apply to any expenditures from the general fund to assist with the costs of cooperative education, special education, and vocational education.

Sec. 627. (1) An intermediate school board shall do all of the following:

(a) Upon request of the board of a constituent district, furnish services on a management, consultant, or supervisory basis to the district. The intermediate school board may charge a constituent district for the costs of services furnished under this subdivision.

(b) Upon request of the board of a constituent district, direct, supervise, and conduct cooperative educational programs on behalf of the district. The intermediate school board may utilize available funds not otherwise obligated by law and accept contributions from other sources for the purpose of financing the programs. The funds shall be deposited with the treasurer in a cooperative education fund and shall be disbursed as the intermediate school board directs. The intermediate school board may employ personnel and take other action necessary to direct, supervise, and conduct cooperative educational programs.

(c) Conduct cooperative programs mutually agreed upon by 2 or more intermediate school boards.

(d) Conduct cooperative programs mutually agreed upon with 1 or more public school academies.

(2) An intermediate school board may conduct or participate in cooperative programs for information technology systems which may include, but are not limited to, equipment for storage, retrieval, processing, and transmission of voice, data, or video communications; contract with public schools or other educational institutions, government agencies, public broadcasting stations or systems, or information technology service providers in conducting the programs; and acquire and install the equipment, software, and training necessary for the programs in the manner and at the places the intermediate school board considers appropriate.

(3) Upon request of the board of a constituent school district or public school academy located within the intermediate school district, an intermediate school board may provide, either solely or as part of a consortium of intermediate school districts, comprehensive school improvement support services to the district or public school academy. These services may include, but are not limited to, all of the following:

(a) The development of a core curriculum.

(b) The evaluation of a core curriculum.

(c) The preparation of 1 or more school improvement plans.

(d) The dissemination of information concerning 1 or more school improvement plans.

(e) The preparation of an annual educational report.

(f) Professional development.

(g) Educational research.

(h) The compilation of instructional objectives, instructional resources, pupil demographics, and pupil academic achievement.

(i) Assistance in obtaining school accreditation.

(j) The provision of general technical assistance.

(4) To the extent allowed by law, if the most cost-effective business services are not available to constituent districts, an intermediate school board shall offer to provide for constituent districts and public school academies located within

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the intermediate school district business services that can be accomplished more cost-effectively by an intermediate school district. An intermediate school district may charge a fee for these services, and may contract with a third party for provision of some or all of these services. These services may include, but are not limited to, any of the following:

(a) Data processing.

(b) Payroll.

(c) Class scheduling.

(d) Distance learning coordination and delivery.

(e) Transportation services.

Sec. 687. (1) An intermediate school board in which an area vocational-technical education program is established, by a majority vote of the intermediate school electors voting on the question at an annual or at a special election called for that purpose, may borrow money and issue bonds of the intermediate school district subject to the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, to defray all or part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping area vocational-technical buildings and other facilities, or parts thereof or additions thereto; acquiring, preparing, developing, or improving sites, or parts thereof or additions thereto, for area vocational-technical buildings and other facilities; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the foregoing purposes. An intermediate school district shall not issue bonds under this part for an amount greater than 1.5% of the total assessed valuation of the intermediate school district, nor shall the bonded indebtedness of an intermediate school district extend beyond a period of 30 years for money borrowed.

(2) Refunding bonds or the refunding part of a bond issue shall not be deemed to be within the 1.5% limitation but shall be deemed to be authorized in addition thereto. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the foregoing 1.5% limitation.

(3) An intermediate school board may submit a proposal to issue bonds of the intermediate school district, authorized under this section, to the intermediate school electors at the same election at which the intermediate school electors vote on the establishment of an area vocational-technical education program. If these questions are presented to the school electors at the same election, the board shall include the bond proposal in the 60-day notice given the boards of constituent districts. The establishment of an area vocational-technical education program shall become effective if approved by a majority of the intermediate school electors voting on the question. The authority to issue bonds is effective only if a majority of the intermediate school electors approve both the establishment of the area vocational-technical education program and the issuance of bonds.

(4) The ballot used in submitting the question of borrowing money and issuing bonds under this section shall be in substantially the following form:

"Shall __________ (here state the legal name of the intermediate school district designating the name of a district of not less than 18,000 pupils or first class school district that has elected not to come under this act as far as an area vocational-technical education program is concerned) state of Michigan, borrow the sum of not to exceed $__________ and issue its bonds therefor, for the purpose of __________?

Yes ( )

No ( )".

Sec. 690. (1) A school district of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board, may elect not to come under an area vocational-technical education program by resolution adopted by its board not later than 30 days after receipt of notice that the question of establishing the area vocational-technical education program will be submitted to the school electors of the district.

(2) A school district electing not to come under the area vocational-technical education program may thereafter elect to come under the program if at a special or annual election a majority of the school electors voting approve the operation of the area vocational-technical education program and the annual tax rate for that purpose in effect in the other constituent districts of the intermediate school district.

(3) Except as provided in this subsection, in an intermediate school district where the school electors have voted upon and failed to approve the ballot question set forth in section 681, a combination of 2 or more contiguous constituent districts, by resolution of their boards, may elect to establish an area vocational-technical education program, if approved by resolution of the intermediate district board and designated by the state board. The requirement of contiguity of constituent districts does not apply if 1 or more of the districts that constitute the basis of contiguity declare their intent, by board resolution, not to be part of the proposed area vocational-technical education program. At any time within 6 months after the enactment of the resolution establishing the program in a local school district, school electors equal in number to not less than 5% of the votes cast in the most recent school election may petition their local school district board to submit the resolution to the electorate, in a form and manner to be prescribed by the state

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board, and the district's participation in the program shall be terminated if not approved by a majority of the school electors voting on the question.

(4) Area vocational-technical education programs established pursuant to this section shall receive any appropriate state funding or any federal funding allocated by the state board on exactly the same basis as area vocational-technical education programs and centers established by intermediate school districts. Constituent districts establishing an approved area vocational-technical education program pursuant to this section may designate, by board resolution, specific amounts of either authorized operating millage or operating millage being requested from the school electors to be utilized solely for the area vocational-technical education program, in a manner to be prescribed by the state board, and the specified amount of millage shall be regarded as area vocational-technical education millage rather than local school district operating millage in all computations made by the state board to determine state aid. The revenue obtained from the millage designated, together with appropriate state and federal funds, may be expended for the same purposes specified for intermediate district programs in sections 684 and 685, including contracts with the intermediate school district, another local school district, or a community college for area vocational-technical education programs, facilities, and services. When constituent districts establish area vocational-technical education programs pursuant to this section, buildings, sites, and equipment may be jointly acquired, owned, or leased.

(5) A contiguous school district desiring to become part of an area vocational-technical education program established pursuant to this section may do so with the approval of each participating school district, the intermediate school district, and the state board. Constituent districts operating an approved area vocational-technical education program pursuant to this section may subsequently elect not to participate, or may thereafter elect to participate, in an intermediate school district vocational-technical education program in exactly the same manner prescribed in this section for school districts of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board.

Sec. 851. Two or more school districts may consolidate to form a single school district.

Sec. 953a. In making a decision on a proposed transfer of territory under this part, the intermediate school board, or the intermediate school boards meeting jointly, shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise.

Sec. 971. (1) One or more resident owners of land considered for transfer from 1 school district to another, or the board of a school district whose territory is affected, may appeal the action of the intermediate school board or joint intermediate school boards in transferring the land, the failure to transfer the land, or action relative to the accounting determination to the state board within 10 days after the action or determination by the intermediate school board or the joint intermediate school boards. If the intermediate school board or the joint intermediate school boards fail to take action within the time limit under section 951, the appeal may be made to the state board within 10 days following the termination of the period. The pendency of an appeal shall suspend the action or determination of the intermediate school board or joint intermediate school boards.

(2) The state board may confirm, modify, or set aside the order of the intermediate school board or the joint intermediate school boards. In considering an appeal, the state board shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise. The action of the state board on the appeal is final.

Sec. 1009. The person receiving the greatest number of votes for the office of member of the board of a district shall be declared elected. After qualifying, the person shall hold office until a successor is elected and qualified.

Sec. 1010. (1) The board of county canvassers established under section 24a of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.24a of the Michigan Compiled Laws, shall canvass school elections except as provided in section 1011.

(2) The secretary of the board shall make certificates of the determination of an election made either by the board of county canvassers or by the board of school canvassers. The determination shall confirm the persons declared elected. The secretary shall file 1 certificate in the office of the intermediate school superintendent. The secretary shall retain 1 certificate.

(3) The person receiving the greatest number of votes as shown by the statements shall be declared to be elected. If there is no choice by reason of 2 or more candidates receiving an equal number of votes for the office, the candidates, under the supervision of the appropriate canvassing board, shall choose by lot the person who is declared elected to the office.

Sec. 1021. (1) In a school election, a candidate in the case of an election for office, or a school elector, in the case of a question or proposition, who believes that there has been fraud or error committed by the board of county canvassers or the board of school canvassers in its canvass or return of the votes cast at the election upon a question or proposition voted upon, or upon the election of a person, may petition the board of county canvassers or the board of school canvassers not later than 6 days after certification of the results of the election for a recount of the votes cast on the question, proposition, or election.

(2) Upon filing of a petition for a recount, the board of county canvassers shall give notice of the recount under the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The recount shall be governed by and conducted under applicable provisions of Act No. 116 of the Public Acts of 1954, regarding recounts for county offices.

Sec. 1031. (1) Each general powers school district shall continue to hold its regular election on the same date the election was held before the effective date of this section or shall hold its regular election on 1 of the following dates determined by the board by a resolution adopted at least 6 months before the proposed new election date:

(a) Annually or biennially on the first Monday in April.

(b) Annually or biennially on the second Monday in June.

(c) Annually or biennially at the same time as the November general election.

(2) The school electors shall elect members of the board at the school district's regular election.

Sec. 1032. (1) The board may submit to the school electors of the school district a measure, proposition, or question that is within the scope of the powers of the electors and that the board considers just and proper for the proper management or conduct of the school system or the advancement of education in the schools of the school district. Upon the adoption of a measure or question by the board, the board shall submit the measure or question to the school electors of the school district at the next ensuing regular school election, at a special election, or if the boundaries of a city or township and the school district are coterminous, at a city or township election.

(2) A special election may be called by the board at times and places in the district the board designates. The board shall call an election on petition of not less than 10% of the school electors of the school district qualified to vote upon the question by giving the prescribed notice. The petition, except as to subject, shall be substantially in the form prescribed in section 1066. A special election may be called on a measure, proposition, or question that may be voted on and decided by the school electors. The questions to be submitted at an election shall be stated briefly in the election notice.

(3) If a portion of or an entire city or township is encompassed within the boundaries of a general powers school district and city or township primary or general elections are held on the same day as an election of the school district, the school election may be conducted by the same inspectors and canvassed, reported, considered, and treated as a part of the city or township primary or general election in all particulars not otherwise specified. The proper officials of the city or township shall prepare and have printed an official ballot on which shall be placed the names in rotation of persons who are candidates for nomination or who have been nominated for membership on the board and the measures, propositions, or questions to be submitted to the school electors of the district at the election.

(4) The expense of special elections called by the board shall be paid to a city or township conducting the election by the board upon presentation of a statement for the expenses. The expenses shall not include charge for use of equipment or services of regular personnel of the city or township, except as may be otherwise agreed between the city or township and the board.

(5) If a measure, proposition, or question is to be submitted to the school electors of the district at an election conducted for a general powers school district by a city or township, the board shall file with the city or township clerk of each city or township whose boundaries are encompassed within the school district a written notice of the adoption by the majority vote of the board of the measure, proposition, or question to be submitted at the election, together with a written draft of the form and purpose of the measure, proposition, or question. The notice shall be under the seal of the board and shall be filed at least 49 days before the election. Upon receipt of the notice, the proper city or township officials shall publish notice of the election in accordance with applicable law.

(6) If the boundaries of a general powers school district are within the boundaries of a single city or township, the city or township clerk, within the time specified for serving notices upon officials elected at a municipal election, shall serve notice of election upon each member of the board elected at the election. In all other general powers districts notice of election shall be served upon each member elected at the election in the manner provided in section 1102.

Sec. 1066. (1) To obtain the printing of the name of a candidate for member of the board on the ballot, the candidate shall file nominating petitions and an affidavit as provided in section 558 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws, with the secretary of the board or in the office of the board of education not later than 4 p.m. on the ninth Monday before the date of election. A school board holding elections in conjunction with a city election may vary the date of filing nominating petitions to conform with the filing date of the city, as provided in section 644k of Act No. 116 of the Public Acts of 1954, being section 168.644k of the Michigan Compiled Laws.

(2) Each petition shall be signed by a number of school electors of the district equal to not less than 1% of the total number of votes received by the candidate for member of the board of education who received the greatest number of votes at the last election at which members of the board of education were elected, but the number shall not be less

than 20. If a nominating petition contains more than the necessary number of names, the excess over 1% shall not be considered or counted.

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) The petition shall be substantially in the form prescribed in section 5446 of Act No. 116 of the Public Acts of 1954, being section 168.544c of the Michigan Compiled Laws, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of ______________________________
(legal name of school district)
and residents of the ______________________, the county of ______________________, state
(city or township)
of Michigan, nominate ______________________________
(name of candidate)
______________________ ______________________, a registered
(street address) (post-office address)
and qualified elector of the district as a member of the board of education of the school district for a term of _____ years,
expiring ____________, to be voted for at the election to be held on the _______ day of ____________, _______.
(month) (year)

(5) A petition sheet shall not be circulated in more than 1 township or city.

(6) Upon the filing of nominating petitions, the secretary of the board shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of school electors, and for the purpose of determining their validity may check doubtful signatures against the registration records by the clerk of the political subdivision in which each petition was circulated to determine the authenticity of the signatures. If it is determined that the nominating petitions of a candidate do not comply with the requirements, including the fact that the candidate does not possess the qualifications as required by law for membership on the board, or if for another cause the candidate is not entitled to have his or her name printed upon official election ballots, the secretary of the board shall notify the candidate immediately. If nominating petitions are filed on behalf of the secretary of the board, the treasurer of the board shall perform the duties of the secretary.

(7) After a nominating petition is filed by or on behalf of a proposed candidate for membership on the board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served on the secretary of the board or an authorized agent of the secretary of the board not later than 4 p.m. of the third day after the last day for filing the petition. The secretary of the board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last date for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next secular day.

Sec. 1101. (1) A school elector in a school district is eligible to election or appointment to office in that school district.

(2) The term of office of each member of a board of education shall commence on July 1, or on January 1 if the election is in November, and shall continue until a successor is elected and qualified or until a vacancy occurs under section 1103.

Sec. 1104. (1) If less than a majority of the offices of a school district becomes vacant, the remaining members of the board shall fill the vacancy immediately.

(2) If a vacancy is not filled within 20 days after it occurs, the intermediate school board shall fill the vacancy by appointment.

(3) If a majority of the offices are vacant at the same time, the remaining member or members of the board shall immediately call a special election of the school district to fill the vacancies. If the election is not called by the remaining member or members of the board within 20 days after the happening of the vacancies, or if all offices of the members of the board are vacant, the intermediate superintendent shall call a special election of the school district to fill the existing vacancies for unexpired portions of the respective terms. The special election shall be held on a date approved by the county election scheduling committee under section 639 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.639 of the Michigan Compiled Laws.

(4) A person elected or appointed to fill a vacancy on the board shall file an acceptance of office and qualify under section 1102, and shall hold office until the next regular school election when the vacancy shall be filled for the remainder of the unexpired term.

Sec. 1131. Each school district is subject to and governed by this article except as to those matters which are specifically or by necessary implication provided for a first class school district under part 6, and by articles 3 and 4. An intermediate school district is governed by the provisions of this article that relate specifically to intermediate school districts and by articles 3 and 4.

Sec. 1137. (1) In recognition of the rights of parents and legal guardians, the board of a school district, public school academy, university school, or intermediate school district shall ensure that a parent or legal guardian responsible for the care and custody of a pupil enrolled in the school district, public school academy, university school, or intermediate school district may do all of the following:

(a) Review the curriculum, textbooks, and teaching materials of the school in which the pupil is enrolled at a reasonable time and place and in a reasonable manner.

(b) Be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course in which the pupil is enrolled and present. As used in this subdivision, "instructional activity" does not include testing.

(2) The board of a school district, public school academy, university school, or intermediate school district may adopt reasonable policies or guidelines under this section. Those policies or guidelines shall not unreasonably prevent the exercise of the rights set forth in subsection (1) and shall not create an unreasonable obstacle to teaching or learning, or to administering or maintaining proper discipline, in a school or school program. If a board adopts policies or guidelines under this subsection, the board shall make the policies or guidelines available to the public.

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.

(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program. Membership shall be calculated under rules promulgated by the state board. The intermediate school board shall consider:

(a) Whether the cost of operating an intermediate bilingual instruction-support program is justified by the number of children at each grade level who would benefit from its establishment.

(b) Whether alternative methods of providing a bilingual instruction-support program, such as visiting teachers or part-time instruction, can be provided.

(4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, nontechnical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

Sec. 1175. (1) January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day, and December 25, Christmas day, shall be public holidays in the public schools of this state. If 1 of these days falls on Sunday, the Monday following shall be a public holiday in the public schools. A school session shall not be held on the public holidays described in this subsection in a public school in this state. The salary of a school officer or a teacher shall not be affected by reason of the dismissal of school on the days described in this subsection.

(2) On the third Monday in January in conjunction with the federal holiday, Martin Luther King, Jr. day; February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; September 17, the date of the adoption of the federal constitution; the second Monday in October, Columbus day; and November 11, Veteran's day, a school officer or teacher shall have each school under the officer's or teacher's control observe the day by a proper and appropriate commemorative exercise. A commemorative exercise may include or involve the assignment of schoolwork to teach the significance of the days described in this subsection, which shall not be considered as legal holidays for schools.

Sec. 1177. (1) A child enrolling in a public or nonpublic school in this state for the first time shall submit 1 of the following:

(a) A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the director of public health.

(b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

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(c) A request signed by a parent or guardian that the local health department give the needed protective injections.

(2) In addition, the parent or guardian of each enrolling child shall submit a statement signed by a district, county, or city health department director stating that the child has been administered the department of public health preschool vision screening test, or signed by a licensed medical or osteopathic physician, or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be submitted to the test because of religious convictions.

(3) The director of public health shall appoint an advisory board consisting of equal numbers of ophthalmologists and optometrists. The board shall advise and assist the director of public health with vision programs.

(4) Before November 1 of each year, the administrator of each school shall provide the director of public health with the immunization status as well as a vision report of each entering child. This information shall be transmitted through the approved local full-time health department wherever the same exists and shall be on forms provided by the director of public health or otherwise reported in a manner approved by the director of public health.

(5) The department of public health shall promulgate rules, including the diseases specified under subsection (1)(a), for the implementation of this section.

Sec. 1178. A school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parents or guardian, and in compliance with the instructions of a physician is not liable in a criminal action or for civil damages as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.

Sec. 1227. (1) The board of a school district shall prepare annual estimates of the amount of taxes necessary for the school district's needs for the ensuing fiscal year. The estimates shall specify the amount required for the "general fund", the amount required for the "capital projects fund", and the amount required for the "debt retirement fund", in accordance with the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, and outstanding bonding resolutions.

(2) The school board may include in the "capital projects fund" an amount not exceeding in 1 year .01% of the school district's taxable value to establish and maintain a school district insurance reserve fund from which school buildings or other school property damaged or destroyed by fire, lightning, or otherwise may be repaired, rebuilt, or replaced by other buildings or property to be used in its place. Taxes shall not be levied for this purpose while the insurance reserve fund exceeds or equals .1% of the school district's taxable value. The board shall carry the insurance reserves forward as an encumbered reserve and may add to the reserve in the manner prescribed in this section. Insurance reserve funds may be invested in the manner provided in section 1223. Income from the investment shall be considered a part of the "general fund". If an emergency is declared by a 2/3 vote of the members elected to and serving on the board, the insurance reserve funds may be borrowed for the emergency, but the funds shall be returned to the insurance reserve fund from the collection of taxes in the next ensuing fiscal year.

(3) The school board shall adopt a budget in the same manner and form as required for its estimates and, subject to limitations under law, determine the amount of tax levy necessary for the budget. The board shall certify the amount to the city and township before the date required by law.

(4) The proper officials of the city and township shall apportion the school taxes in the school district in the same manner as the other taxes of the city or township are apportioned. Except as otherwise provided under part 26, the amount apportioned shall be assessed, levied, collected, and returned for each portion of the school district in the same manner as taxes of the city or township in which the portion of the school district is located.

Sec. 1228. The board of a school district or intermediate school district may enter into an agreement with a public school academy to provide services to the public school academy or to pupils of the public school academy, or for the public school academy to provide services to the school district or intermediate school district or to pupils of the school district or intermediate school district. The services may be provided on a cooperative basis. A school district or intermediate school district may charge the public school academy, or a public school academy may charge the school district or intermediate school district, for services described in this section.

Sec. 1229. (1) The board of a school district, other than a school district that was organized as a primary school district during the 1995-1996 school year, or intermediate school district shall employ a superintendent of schools, who shall meet the requirements of section 1246. The superintendent shall not be a member of the board. Employment of a superintendent shall be by written contract. The term of the superintendent's contract shall be fixed by the board, not to exceed 5 years. If written notice of nonrenewal of the contract of a superintendent is not given at least 90 days before the termination of the contract, the contract is renewed for an additional 1-year period.

(2) The board of a school district or intermediate school district may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in that position under Act No. 4 of the Public Acts of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws.

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The employment shall be by written contract. The term of the employment contract shall be fixed by the board, not to exceed 3 years. The board shall prescribe the duties of a person described in this subsection. If written notice of nonrenewal of the contract of a person described in this subsection is not given at least 60 days before the termination date of the contract, the contract is renewed for an additional 1-year period.

(3) A notification of nonrenewal of contract of a person described in subsection (2) may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected person has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session, as the affected person elects under section 8 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws. If the board fails to provide for a meeting with the board, or if a court finds that the reason for nonrenewal is arbitrary or capricious, the affected person's contract is renewed for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools described in subsection (1).

Sec. 1229a. (1) If a person employed by this state as superintendent of public instruction is removed from that position, the state board, or another state agency, shall not enter into a settlement agreement concerning that removal unless the agreement is in settlement of a lawsuit filed against this state.

(2) The state board shall not grant administrative leave for more than a total of 6 months to a person employed, or previously employed, as state superintendent of public instruction.

(3) The state board shall not offer a contract for a person to be employed by this state as superintendent of public instruction, or extend the contract of a superintendent of public instruction, within 6 months before a general election at which state board members are elected or within 2 months after a general election at which state board members are elected. The state board shall not offer a contract for employment of a superintendent of public instruction in excess of 3 years and shall not extend a contract in increments of more than 1 year. This subsection does not prohibit the state board from employing an interim superintendent of public instruction at any time there is a vacancy.

Sec. 1233. (1) Except as provided in this section and section 1233b, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school, or a teacher without an endorsement by the state board to serve in a counseling role as the role is defined by the state board.

(2) The intermediate superintendent shall notify immediately the state board of the names of noncertificated teachers teaching in violation of subsection (1) and the names of nonendorsed teachers serving in counseling roles in violation of subsection (1), the employing district, and the amount of time the noncertificated and nonendorsed teachers were employed.

(3) The board of a school district or intermediate school district may renew through June 30, 1995 an annual vocational authorization of a noncertificated vocational teacher who is employed by the district or intermediate school district on June 1, 1987, even if a certificated teacher is available for hire, if both of the following conditions are met:

(a) The noncertificated teacher is annually and continually enrolled and completing credit in an approved vocational teacher preparation program leading to vocational certification.

(b) The noncertificated teacher has a planned vocational teacher preparation program leading to vocational certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.

(6) The board of a school district or intermediate school district may employ a person without a teaching certificate as a substitute teacher if the person has at least 90 semester hours of college credit from a college or university.

Sec. 1233b. (1) Except as provided in subsection (3), the board of a local or intermediate school district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or in another subject area determined by the state board to be appropriate to be included under this section and so designated by the state board, or any combination of these subject areas, in grades 9 through 12.

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach pursuant to this section if he or she meets all of the following minimum requirements:

(a) Possesses an earned bachelor's degree from an accredited postsecondary institution.

(b) Has a major or a graduate degree in the field of specialization in which he or she will teach.

(c) If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(d) Except in the case of persons engaged to teach a foreign language, has, in the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which he or she will teach.

(3) The requirements listed in subsection (2) for a teacher engaged to teach pursuant to this section shall be in addition to any other requirements established by the board of a local or intermediate school district, as applicable.

(4) Except as provided in subsection (5), the board of a local or intermediate school district shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course described in subsection (1) if the district is able to engage a certificated, endorsed teacher.

(5) If the board of a local or intermediate school district is able to engage a certificated, endorsed teacher to teach a course described in subsection (1), the local or intermediate school board may employ or continue to employ a noncertificated, nonendorsed teacher to teach the course if both of the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(6) If the noncertificated, nonendorsed teacher completes 3 years of successful classroom teaching, as determined by regular observation and review by school district and teacher preparation institution personnel, the department of education and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district and a provisional teaching certificate.

Sec. 1236. (1) If a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.

(2) A teacher employed as a substitute teacher for 150 days or more during a legal school year of not less than 180 days, or employed as a substitute teacher for 180 days or more by an intermediate school district that operates any program for 220 days or more as required by administrative rule, shall be given during the balance of the school year or during the next succeeding legal school year only the first opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are reemployed in conformance with the terms of a master contract of an authorized bargaining unit and the employer.

(3) As used in this section, "day" means the working day of the regular, full-time teacher for whom the substitute teacher substitutes. A quarter-day, half-day, or other fractional day of substitute service shall be counted only as that fraction. However, a fraction of a day that is acknowledged by the school district and paid as a full day shall be counted as a full day for purposes of this section.

Sec. 1246. (1) A school district, public school academy, or intermediate school district shall not employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person has completed the continuing education requirements prescribed by state board rule under subsection (2).

(2) The state board shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons employed in positions described in subsection (1). The rules shall prescribe a minimum amount of continuing education to be completed within a 5-year period.

Sec. 1250. A school district or intermediate school district may implement and maintain a method of compensation for its employees that is based on job performance and job accomplishments.

Sec. 1254. (1) Except as provided in subsection (3) and section 1217a, the board of a school district or intermediate school district may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the board. The expenditure shall be a public record and shall be made available to a person upon request.

(2) The board of a school district or intermediate school district shall not approve payment of an expense incurred by a board member under subsection (1) unless 1 or both of the following conditions are met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

(3) The board of any school district shall not provide, allow, or obtain credit cards for, issue credit cards to, or provide to a school board member a debit card or similar instrument that pledges payment of funds from a school district account except in compliance with law.

Sec. 1260. (1) Unless approved by the state board, a school board or intermediate school board shall not impose any deed restriction prohibiting, or otherwise prohibit, property sold or transferred by the school board or intermediate school board from being used for any lawful public education purpose. Any deed restriction or other prohibition in effect as of the effective date of this subsection is void.

(2) If a school board or intermediate school board offers property of the school board or intermediate school board for lease or rent, the school board or intermediate school board shall not refuse to lease or rent the property to a person solely because the person intends to use the property for an educational purpose, if the intent of the person is to use the property for a lawful educational purpose.

Sec. 1267. (1) Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, the board of a school district or board of directors of a public school academy, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.

(2) The board or board of directors shall advertise for the bids required under subsection (1) once each week for 2 successive weeks in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place. The advertisement for bids shall do all of the following:

(a) Specify the date and time by which all bids must be received by the board or board of directors.

(b) State that the board or board of directors will not consider or accept a bid received by the board or board of directors after the date and time specified for bid submission.

(c) Identify the time, date, and place of a public meeting at which the board or board of directors or its designee will open and read aloud each bid received by the board or board of directors by the date and time specified in subdivision (a).

(3) The board or board of directors shall require each bidder for a contract under this section to file with the board or board of directors security in an amount not less than 1/20 of the amount of the bid conditioned to secure the school district from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the board or board of directors.

(4) The board or board of directors shall not open, consider, or accept a bid that the board or board of directors receives after the date and time specified for bid submission in the advertisement for bids described in subsection (2).

(5) At a public meeting identified in the advertisement for bids described in subsection (2), the board or board of directors or its designee shall open and read aloud each bid that the board or board of directors received at or before the time and date for bid submission specified in the advertisement for bids. The board or board of directors may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this section.

(6) This section does not apply to buildings, renovations, or repairs costing less than $12,500.00 or to repair work normally performed by school district employees. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

Sec. 1269. The board of a school district other than a first class school district shall insure school district property unless otherwise directed by the school electors. The governing board of a public school academy shall insure public school academy property. The insurance may be obtained from mutual, stock, or other responsible companies licensed to do business in this state.

Sec. 1272a. (1) The board of a K to 12 school district shall, and the board of another school district may, establish and operate a program under which lunch is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(2) The board of a K to 12 school district shall establish and operate a program under which breakfast is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district unless no more than 20% of the pupils enrolled in the school building in the immediately preceding school year met the income eligibility criteria for free or reduced-price lunch under the federally funded school lunch program, as determined using

October claims reported to the department by December 31 of the immediately preceding school year, and, after a public hearing on the issue, which shall be held annually with notice to parents and pupils, the board decides not to operate such a program in that school building and publishes a public justification report explaining its decision. The board of another school district may establish and operate a school breakfast program.

(3) To the extent permitted by federal law, the department shall encourage innovative cost effective models of breakfast distribution designed to maximize pupil participation.

Sec. 1277. (1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic objectives for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall be invited and allowed to voluntarily participate in the planning, development, implementation, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development and implementation of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

(2) Not later than April 1, 1994, the state board shall revise its existing criteria for school improvement plans to ensure that school improvement plans include at least all of the following additional matters:

(a) Identification of the adult roles for which graduates need to be prepared.

(b) Identification of the education and skills that are needed to allow graduates to fulfill those adult roles.

(c) A determination of whether or not the existing school curriculum is providing pupils with the education and skills needed to fulfill those adult roles.

(d) Identification of changes that must be made in order to provide graduates with the necessary education and skills and specific recommendations for implementing those changes.

(e) Development of alternative measures of assessment that will provide authentic assessment of pupils' achievements, skills, and competencies.

(f) Methods for effective use of technology as a way of improving learning and delivery of services and for integration of evolving technology in the curriculum.

(g) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.

(3) Each intermediate school board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year intermediate school district school improvement plan and continuing school improvement process for the intermediate school district. Constituent and intermediate school board members, school building administrators, teachers and other school employees, pupils, parents of pupils, and other residents of the intermediate school district shall be invited and allowed to voluntarily participate in the planning, development, implementation, and evaluation of the intermediate school district's school improvement plan. Upon request of the intermediate school board, the department shall assist the intermediate school district in the development and implementation of an intermediate school district school improvement plan. An intermediate school district school improvement plan described in this section shall be updated annually by the intermediate school board. An intermediate school district school improvement plan shall include at least all of the following:

(a) A plan for addressing classroom needs and improvements throughout the territory of the intermediate school district without regard to school district boundaries.

(b) Assurance that all pupils have reasonable access to all programs offered by the intermediate school district, including, but not limited to, transportation if necessary.

(c) A plan for delivery of effective and relevant professional development for teachers within the intermediate school district that will lead to improved teaching and learning.

(d) Methods to assist school districts in integrating applied academics and career and employability skills into all curricular areas.

(e) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.

(f) Coordination of services and service delivery with other existing state and local human services agencies.

(g) Long-range cost containment measures, including additional services that might be provided at reduced costs by the intermediate school district or through cooperative programs, and cost reduction programs such as interdistrict cooperation in special education and other programs and services.

(h) To the extent that it would improve school effectiveness, specific recommendations on consolidation or enhanced interdistrict cooperation, or both, along with possible sources of revenue.

(i) Identification of the role of the intermediate school district in providing services or assistance to local school districts.

(4) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts and intermediate school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

Sec. 1278. (1) In addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall provide to all pupils attending public school in the district a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board recommended model core academic curriculum content standards developed under subsection (2). The state board model core academic curriculum content standards shall encompass academic and cognitive instruction only. For purposes of this section, the state board model core academic curriculum content standards shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) Recommended model core academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the state. The recommended model core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts for all children. The state board also shall ensure that the Michigan educational assessment program and the high school proficiency exam are based on the state recommended model core curriculum content standards, are testing only for proficiency in basic academic skills and academic subject matter, and are not used to measure pupils' values or attitudes.

(3) The board of each school district, considering academic curricular objectives defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives. The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).

(b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

(4) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

(5) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum in order to give all pupils a reasonable opportunity to attain a state-endorsed diploma. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) To the extent practicable, the state board may adopt or develop academic objective-oriented high standards for knowledge and life skills, and a recommended core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of novice level or initial mastery of the state board recommended model core academic content standards objectives or of a high school diploma.

(7) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core academic curriculum content standards developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its core academic curriculum.

(8) Excluding special education pupils, pupils having a learning disability, and pupils with extenuating circumstances as determined by school officials, a pupil who does not score satisfactorily on the 4th or 7th grade Michigan educational assessment program reading test shall be provided special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months.

(9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

Sec. 1279. (1) The board of a school district or public school academy shall award a state-endorsed high school diploma to an eligible high school graduate as provided in this section. For a pupil scheduled to graduate from high school in 1994, 1995, or 1996 to be eligible for a state endorsement in 1 or more of the subject areas of communication arts, mathematics, or science, the pupil must achieve at least 1 of the following:

(a) A passing score on locally-adopted and state-approved basic proficiency tests measuring proficiency in 1 or more of the subject areas specified in this subsection.

(b) If the pupil is eligible to take the general education development (G.E.D.) test, a passing score in 1 or more of the subject areas specified in this subsection and tested in the G.E.D. test.

(c) For a state endorsement in communications arts, at least a score of moderate on the reading portion of the Michigan educational assessment program (MEAP) grade 10 test; for a state endorsement in mathematics, at least a score of moderate on the mathematics portion of the MEAP grade 10 test; and, for a state endorsement in science, at least 50% of the objectives on the science portion of the MEAP grade 11 test. For pupils scheduled to graduate in 1997, the department may use a version of the science assessment instrument developed under subsection (8) instead of the science portion of the MEAP grade 11 test, and, in its discretion, may administer that science assessment instrument in the fall of 1995 or the spring of 1996, or both. If the department uses that science assessment instrument, as provided under this subdivision, the department, based on expert advice, shall determine the level of proficiency that must be demonstrated for a pupil scheduled to graduate in 1997 to earn a state endorsement in science.

(2) For pupils scheduled to graduate from high school in 1997, if a pupil achieves the academic objectives required by the state board, as measured by an assessment instrument developed under subsection (8), for a state-endorsed high school diploma, or meets the requirements described in subsection (1)(c) for a state-endorsed diploma, in 1 or more of the subject areas of communications skills, mathematics, and science, the pupil's school district or public school academy shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. Beginning with pupils scheduled to graduate in 1998, if a pupil achieves the objectives required by the state board, as measured by an assessment instrument developed under subsection (8), for a state-endorsed high school diploma in 1 or more of the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 2000, social studies, the pupil's school district or public school academy shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. A school district or public school academy shall not award a state endorsement to a pupil unless the pupil meets the applicable requirements for the endorsement, as described in this subsection. A school district or public school academy may award a high school diploma to a pupil who successfully completes local school district or public school academy requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

(3) A school district that offers a pupil the opportunity to pass a basic proficiency test described in subsection (1)(a) as 1 means to obtain a state-endorsed diploma in 1994, 1995, or 1996 may submit the school district's own basic proficiency test to the department for approval to be used by the district to assess proficiency.

(4) A pupil who does not achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, may be reevaluated each school year until the pupil achieves an applicable requirement for a state-endorsed diploma. In addition, the board of the school district or public school academy in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the school district's or public school academy's staff or a local or intermediate school district consultant who is proficient in the measurement and evaluation of pupils. The school district or public school academy may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district or public school academy shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil reach proficiency in each subject or skill area in which he or she was assessed by the testing as not proficient. In addition, a school district or public school academy may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district or public school academy shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board of the school district or public school academy decides otherwise and publishes and explains its decision in a public justification report. A pupil may be reevaluated at any time the school district or public school academy administers an applicable assessment instrument.

(5) For a state-endorsed diploma, a pupil must achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, in addition to any other requirements established by law or by the board of the school district or public school academy for a high school diploma. If the board of a school district or public school

academy determines that a pupil qualifies for a state-endorsed diploma, the board shall indicate on the pupil's high school diploma and transcript that the pupil achieved the proficiency necessary for receipt of a state-endorsed diploma.

(6) An individual may repeat any of the tests or assessment instruments specified in subsection (1) or subsection (2), as applicable, at any time the school district or public school academy regularly offers the test or assessment or, for the MEAP tests described in subsection (1)(c), during the established testing period, and, upon achieving at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, and completing all other applicable requirements for a high school diploma, shall be awarded a state-endorsed diploma.

(7) A school district or public school academy shall provide accommodations to a pupil with disabilities for the proficiency testing or assessment required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes. A special education pupil scheduled to graduate in 1994, 1995, or 1996 who has passed an alternative form of assessment permitted under section 104a of the state school aid act of 1979, being section 388.1604a of the Michigan Compiled Laws, as that section was in effect for the 1992-93 state fiscal year, shall receive the applicable endorsement under this section.

(8) For the purposes of this section, the state board shall develop or select and approve assessment instruments to determine pupil proficiency in communications skills, mathematics, social studies, and science. The assessment instruments shall be based on the state board model core academic content standards objectives.

(9) The state board shall develop or select and approve assessment instruments for the purpose of awarding state endorsements of advanced mastery in specified subject areas.

(10) The state board shall establish a novice level score for each state-endorsed diploma assessment developed or selected and approved under subsection (8). If a graduate achieves a novice level score in a subject area on an assessment, the transcript shall include a notation to that effect but shall not be considered to be a state-endorsed diploma for that subject area.

(11) All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be objective-oriented and consistent with the state board model core academic curriculum.

(12) Upon payment of a reasonable fee any person may take the state-endorsed diploma test and, upon achieving the initial mastery level in a subject area, have his or her high school diploma state-endorsed for that subject area.

Sec. 1279c. The state board, the board of each school district, and each public school academy shall ensure that the Michigan educational assessment program (MEAP) tests are not used to measure pupils' values or attitudes.

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the state board as having met or exceeded state board-approved standards established for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the state board. After a review and revision, if appropriate, of the proposed standards, the state board shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

(4) The department shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include pupil performance on Michigan education assessment program (MEAP) tests as a criterion, but shall not be based solely on pupil performance on MEAP tests. The standards shall also include multiple year change in pupil performance on those tests as a criterion. If it is necessary for the state board to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

(6) If the department determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

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(7) If the department determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the department determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) The department shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(10) The department shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the department for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(11) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(12) The department shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

Sec. 1281. (1) The state board shall:

(a) Require each board, each public school academy board of directors, each intermediate school board, and the officers of each of those boards to observe the laws relating to schools.

(b) Require each board to maintain school or to provide educational opportunities for resident children for the statutory period.

(c) Prescribe appropriate uniform pupil and finance accounting records for use in school districts, public school academies, and intermediate school districts and promulgate rules for their adoption.

(d) Require each board, each public school academy board of directors, and each intermediate school board to carry out the state board's recommendations relative to the safety of school buildings, equipment, and appurtenances, including any condition that may endanger the health or life of pupils.

(2) The state board may examine and audit the official records and accounts of school districts, public school academies, and intermediate school districts, and may compel proper accounting by legal action instituted by direction of the attorney general.

(3) Upon application by a school district, public school academy, university school, or intermediate school district, the state board may grant to the school district, public school academy, university school, or intermediate school district a limited time waiver from a state board or department rule interpreting or implementing a provision of this act. The state board may grant a waiver only if the school district, public school academy, university school, or intermediate school district demonstrates that it can address the intent of the rule in a more effective, efficient, or economical manner or that the waiver is necessary to stimulate improved pupil performance. A waiver shall not be granted for more than 3 years, but may be renewed. The state board may place conditions on a waiver or its renewal. The state board may revoke a waiver if it determines that the waiver no longer meets the criteria of this subsection, compromises equal opportunities for learning, or is detrimental to the educational interests of pupils. The state board may not grant a waiver from the duty to comply with a provision of this act, and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

Sec. 1284. (1) The board of a school district or of a public school academy shall determine the length of the school term. However, except as otherwise provided in subsections (2) and (3), if the board does not want the school district's or public school academy's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, being section 388.1701 of the Michigan Compiled Laws, the board shall ensure that the minimum number of days of pupil instruction in a school year is 180 through the 1996-1997 school year and is 181 in the 1997-1998 school year, 182 in the 1998-1999 school year, 183 in the 1999-2000 school year, 184 in the 2000-2001 school year, 185 in the 2001-2002 school year, 186 in the 2002-2003 school year, 187 in the 2003-2004 school year, 188 in the 2004-2005 school year, 189 in the 2005-2006 school year, and 190 in the 2006-2007 school year and each succeeding school year, and shall ensure that the minimum number of hours of pupil instruction in a school year is 900 for the 1994-95 school year, 990 for the 1995-96 and 1996-97 school years, 1,041 for the 1997-1998 school year, 1,047 for the 1998-1999 school year, 1,098 for the 1999-2000 school year, 1,104 for the 2000-2001 school year, 1,110 for the 2001-2002 school year, 1,116 for the 2002-2003 school year, 1,122 for the 2003-2004 school year, 1,128 for the 2004-2005 school year, 1,134 for the 2005-2006 school year, and 1,140 for the 2006-2007 school year and each succeeding school year.

(2) If the percentage growth in the basic foundation allowance under section 20 of the state school aid act of 1979, being section 388.1620 of the Michigan Compiled Laws, for a state fiscal year, as compared to the basic foundation allowance for the immediately preceding state fiscal year, is less than the percentage increase in the average consumer price index for all items, as determined by the United States bureau of labor statistics, for the 12-month period ending on the June 30 immediately preceding the beginning of the state fiscal year, then there shall be no increase in the required minimum number of days or hours of pupil instruction under subsection (1) for the school year ending in the state fiscal year. For the next school year after a school year for which there is no increase in the required minimum number of days and hours of pupil instruction under subsection (1) because of the operation of this subsection, and if the first sentence of this subsection does not apply, the increase in the required minimum number of days and hours of pupil instruction shall only be 1 day and the corresponding number of hours. This subsection shall apply and shall operate to limit increases under subsection (1) until the required minimum number of days and hours of pupil instruction under this section is 190 days and 1,140 hours.

(3) The board of a school district or public school academy, by resolution, may choose to provide less than the number of days of pupil instruction required under subsection (1), but shall provide at least 180 days of pupil instruction and at least the number of hours of pupil instruction required under subsection (1).

(4) Not later than August 1, the board of each school district and of each public school academy shall certify to the state board the number of days and hours of pupil instruction in the previous school year.

(5) Days lost because of strikes or teachers' conferences shall not be counted as days of pupil instruction.

(6) The state board shall promulgate rules for the implementation of this section.

Sec. 1289. Female pupils shall be permitted to compete for a position in all interscholastic athletic activities. If a school has a girls' team in an interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity. This subsection shall not be construed to prevent or interfere with the selection of competing teams solely on the basis of athletic ability.

Sec. 1299. (1) A public school that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. Public schools shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

(a) The meeting is voluntary and student-initiated.

(b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.

(c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.

(d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

(2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:

(a) Influence the form or content of any prayer or other religious activity.

(b) Require any person to participate in prayer or other religious activity.

(c) Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.

(d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.

(e) Sanction meetings that are otherwise unlawful.

(f) Limit the rights of groups of pupils which are not of a specified numerical size.

(g) Abridge the constitutional rights of any person.

(3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.

(4) As used in this section:

(a) "Meeting" includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(b) "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(c) "Public school" includes a public school's employees and persons or entities under contract with the public school.

(d) "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

Sec. 1303. The board of a school district shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board, and may develop penalties that it considers appropriate for a pupil who violates this prohibition.

Sec. 1312. (1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force as provided in Act No. 170 of the Public Acts of 1964, being sections 691.1401 to 691.1415 of the Michigan Compiled Laws.

(6) A person who violates subsection (3) or (4) may be appropriately disciplined by his or her school board or public school academy.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, ordinance, or other authority permitting corporal punishment is void.

Sec. 1507a. If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 unless the parent or legal guardian submits a written authorization for that enrollment.

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Sec. 1525. (1) Funds appropriated by the legislature to support professional development and education shall be allocated substantially as follows:

(a) Twenty percent to the department.

(b) Fifteen percent to intermediate school districts on an equal amount per pupil basis based on the memberships of constituent districts.

(c) Sixty-five percent to school districts on an equal amount per pupil basis.

(2) The funds described in subsection (1) may be used for the following:

(a) Professional development programs for administrators and teachers. These programs shall emphasize the improvement of teaching and pupils' learning of academic core curriculum objectives, as measured by Michigan educational assessment program and other criterion - reference assessments; collaborative decision making; site-based management; the process of school improvement; instructional leadership; and the use of data and assessment instruments to improve teaching and learning for all pupils.

(b) A biennial education policy leadership institute. The state board shall organize and convene a biennial education policy leadership institute for the governor, the lieutenant governor, the state board, the state superintendent, the legislature, and the presidents of the state board approved teacher education institutions, and the staff of each as may be considered appropriate, to examine the most current public education policy issues and initiatives and the appropriate role of policy leaders.

(c) A statewide academy for school leadership established by the state board.

(d) Community leadership development. The state board, in conjunction with intermediate school districts, shall conduct a leadership development training program in each school district for members of the community.

(e) Promotion of high educational standards. The state board, in collaboration with the business community and educators, shall coordinate and assist in the promotion of a statewide public education and information program concerning the need to achieve world class educational standards in the public schools of this state.

(f) Sabbatical leaves. School districts shall provide sabbatical leaves for up to 1 academic year for selected master teachers who aid in professional development.

(g) Any other purpose authorized in the appropriation for professional development in the state school aid act of 1979.

(3) In order to receive professional development funding described in subsection (1), each school district and intermediate school district shall prepare and submit to the state board for approval an annual professional development plan.

(4) The state board may disapprove for state funding proposed professional development that the state board finds to be 1 or more of the following:

(a) Not in furtherance of core academic curriculum needs.

(b) Not constituting serious, informed innovation.

(c) Of generally inferior overall quality or depth regardless of who sponsors or conducts the education or training.

(d) Not complying with the requirements of section 1526.

Sec. 1526. For the first 3 years of his or her employment in classroom teaching, a teacher shall be assigned by the school in which he or she teaches to 1 or more master teachers, or college professors or retired master teachers, who shall act as a mentor or mentors to the teacher. During the 3-year period, the teacher shall also receive intensive professional development induction into teaching, based on a professional development plan that is consistent with the requirements of section 3a of article II of Act No. 4 of the Public Acts of the Extra Session of 1937, being section 38.83a of the Michigan Compiled Laws, including classroom management and instructional delivery. During the 3-year period, the intensive professional development induction into teaching shall consist of at least 15 days of professional development, the experiencing of effective practices in university-linked professional development schools, and regional seminars conducted by master teachers and other mentors.

Sec. 1527. The board of each school district, intermediate school district, or public school academy shall provide at least 1 day of teacher professional development in the 1997-1998 school year, at least 2 days of teacher professional development in the 1998-1999 school year, at least 3 days of teacher professional development in the 1999-2000 school year, at least 4 days of teacher professional development in the 2000-2001 school year, and at least 5 days of teacher professional development in the 2001-2002 school year and each school year after the 2001-2002 school year. Professional development days provided under this section shall not be counted toward the professional development required under section 1526.

Sec. 1531. (1) Except as provided in this act, the state board shall determine the requirements for and issue all licenses and certificates for teachers, including preprimary teachers, and the requirements for an endorsement of teachers as qualified counselors and an endorsement of teachers for teaching a foreign language in an elementary grade in the public schools of the state.

(2) Except as otherwise provided in this act, the state board shall only issue a teaching certificate to a person who has passed appropriate examinations as follows:

(a) For a secondary level teaching certificate, has passed both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.

(b) For an elementary level teaching certificate, has passed the basic skills examination and, if it is available, the elementary certification examination, and has passed the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified.

(3) Except as otherwise provided in this act, the state board shall issue a Michigan teaching certificate to a person holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate only if the person passes appropriate examinations as follows:

(a) For a secondary level teaching certificate, pass both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or both of these requirements.

(b) For an elementary level teaching certificate, pass the basic skills examination and, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or more of these requirements.

(4) Subject to subsection (6), if a person holding a teaching certificate from another state applies to the state board for a Michigan teaching certificate and meets the requirements of this subsection, the state board shall issue to the person a Michigan professional education teaching certificate and applicable endorsements comparable to those the person holds in the other state, without requiring the person to pass a basic skills examination or the applicable subject area examination otherwise required under subsection (2) or (3). To be eligible to receive a Michigan professional education teaching certificate under this subsection, a person shall provide evidence satisfactory to the department that he or she meets all of the following requirements:

(a) Has taught successfully for at least 3 years in a position for which the person's teaching certification from the other state was valid.

(b) Has earned, after his or her initial certification in another state, at least 18 semester credit hours in a planned course of study at a state board approved institution of higher education or has earned, at any time, a state board approved master's or doctoral degree.

(c) Has met the elementary or secondary, as applicable, reading credit requirement established under state board rule.

(5) A person who receives a teaching certificate and endorsement or endorsements under subsection (4) is eligible to receive 1 or more additional endorsements comparable to endorsements the person holds in another state only if the person passes the appropriate subject area examinations required under subsection (2) or (3).

(6) The state board shall deny a Michigan teaching certificate to a person described in subsection (4) for fraud, material misrepresentation, or concealment in the person's application for a certificate or for a conviction for which a person's teaching certificate may be revoked under section 1535a.

(7) The department, based upon criteria recommended pursuant to subsection (9), shall provide to state board approved teacher education institutions state board approved guidelines and criteria for use in the development or selection of a basic skills examination and approved guidelines and criteria for use in the development or selection of subject area examinations.

(8) For the purposes of this section, the state board, based upon criteria recommended pursuant to subsection (9), shall develop, select, or develop and select 1 or more basic skills examinations and subject area examinations. In addition, the state board, based upon criteria recommended pursuant to subsection (9), shall approve an elementary certification examination and a reading subject area examination.

(9) The state board shall appoint an 11-member teacher examination advisory committee comprised of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. This committee shall recommend criteria to be used by the state board in the development, selection, or development and selection of 1 or more basic skills examinations, and criteria to be used by the state board in the development, selection, or development and selection of subject area examinations. In addition, the committee shall recommend guidelines for the use and administration of those examinations. The basic skills examinations referred to in this subsection may be developed by the state board or selected by the state board from commercially or university developed examinations. In addition, an approved teacher education institution, pursuant to guidelines and criteria described in subsection (7), may develop an examination at its own expense for approval by the state board. An approved teacher education institution that develops its own examination is liable for any litigation that results from the use of its examination.

(10) The state board shall appoint a 7-member standing technical advisory council comprised of persons who are experts in measurement and assessment. This council shall advise the state board and the teacher examination

committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

(11) Not later than November 30 of each year, the state board shall submit in writing a report on the development or selection and use of the basic skills examination, the elementary certification examination, and the subject area examinations to the house and senate education committees. The report shall also contain a financial statement regarding revenue received from the assessment of fees levied pursuant to subsection (13) and the amount of and any purposes for which that revenue was expended.

(12) The basic skills examination, the elementary certification examination, and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but the basic skills examination must be passed before a person is enrolled for student teaching and the elementary certification examination and the subject area examinations, as applicable, must be passed before a person is recommended for certification.

(13) The department, or if approved by the state board, a private testing service, may assess fees for taking the basic skills examination, elementary certification examination, and the subject area examinations. The fees, which shall be set by the state board, shall not exceed $50.00 for a basic skills examination or $75.00 for an elementary certification examination or a subject area examination. However, if a subject area examination for vocational education includes a performance examination, an additional fee may be assessed for taking the performance examination, not to exceed the actual cost of administering the performance examination. Fees received by the department shall be expended solely for administrative expenses that it incurs in implementing this section.

(14) If a person holding a teaching certificate from another state applies for a Michigan teaching certificate and meets all requirements for the Michigan teaching certificate except passage of the appropriate examinations under subsection (3), the state board shall issue a nonrenewable temporary teaching certificate, good for 1 year, to the person. The state board shall not issue a Michigan teaching certificate to the person after expiration of the temporary teaching certificate unless the person passes appropriate examinations as described in subsection (3).

(15) As used in this section:

(a) "Basic skills examination" means an examination developed or selected by the state board or developed pursuant to subsection (9) by an approved teacher education institution for the purpose of demonstrating the applicant's knowledge and understanding of basic language and mathematical skills and other skills necessary for the certificate sought, and for determining whether or not an applicant is eligible for a provisional Michigan teaching certificate.

(b) "Elementary certification examination" means a comprehensive examination for elementary certification that has been developed or selected by the state board for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining whether or not an applicant is eligible for an elementary level teaching certificate.

(c) "Subject area examination" means an examination related to a specific area of certification, which examination has been developed or selected by the state board for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether or not an applicant is eligible for a Michigan teaching certificate.

(16) The state board shall promulgate rules for the implementation of this section.

(17) Notwithstanding any rule promulgated by the state board to the contrary, the state board shall continue to issue state elementary or secondary continuing education certificates pursuant to R 390.1132(1) of the Michigan administrative code to persons who completed the requirements of that rule by December 31, 1992 and who apply for that certificate not later than March 15, 1994. If the state board has issued a state elementary or secondary professional education certificate to a person described in this section, the state board shall consider the person to have a state elementary or secondary, as applicable, continuing education certificate.

Sec. 1532. (1) Before a teaching certificate is valid in this state, the holder shall record the certificate in the office of the intermediate superintendent or of the superintendent of schools of the school district in which the holder expects to teach.

(2) Before a teaching certificate is valid in this state, the holder shall make and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States of America and the constitution of the state of Michigan and that I will faithfully discharge the duties of the office of teacher according to the best of my ability".

(3) The oath set forth in subsection (2) shall be signed by the holder of the teaching certificate, notarized, and attached to or superimposed on the teaching certificate.

(4) Except as provided in this act, the teaching certificate shall not be nullified except by the state board and for a cause that would have initially justified the withholding of the certificate.

(5) Upon the request of a teacher, the state board immediately shall nullify that teacher's teaching certificate. Upon the request of a teacher, the state board may nullify 1 or more endorsements on the teaching certificate, or a grade level

certification included in the teaching certificate if the grade level certification has not been used for 10 or more years. The state board shall not reinstate, reissue, or renew a teaching certificate, endorsement on a teaching certificate, or a grade level certification that has been nullified pursuant to this subsection.

Sec. 1535a. (1) Subject to subsection (2), if a person who holds a teaching certificate that is valid in this state is convicted of a crime described in this subsection, the state board shall notify the person in writing that his or her teaching certificate may be suspended because of the conviction and of his or her right to a hearing before the state board. If the person does not avail himself or herself of this right to a hearing within 30 working days after receipt of this written notification, the teaching certificate of that person shall be suspended. If a hearing takes place, the state board may suspend the person's teaching certificate based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(*i*) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(*ii*) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(*iii*) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(*iv*) A misdemeanor violation of section 7410 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7410 of the Michigan Compiled Laws.

(*v*) A violation of section 115, 141a, 145a, or 359 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.115, 750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws, or a misdemeanor violation of section 81, 81a, or 145c of Act No. 328 of the Public Acts of 1931, being sections 750.81, 750.81a, and 750.145c of the Michigan Compiled Laws.

(*vi*) A misdemeanor violation of section 33 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33 of the Michigan Compiled Laws.

(2) If a person who holds a teaching certificate that is valid in this state is convicted of a crime described in this subsection, the state board shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's teaching certificate under section 92 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.292 of the Michigan Compiled Laws. However, if a person convicted of a crime described in this subsection is incarcerated in a state correctional facility, the state board may delay ordering the summary suspension until not later than 10 work days after the person is released from secure confinement. This subsection does not limit the state board's ability to order summary suspension of a person's teaching certificate for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(*i*), 7403(2)(a)(*i*), 7410, or 7416 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410, and 333.7416 of the Michigan Compiled Laws.

(e) A violation of section 83, 89, 91, 316, 317, or 529 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.83, 750.89, 750.91, 750.316, 750.317, and 750.529 of the Michigan Compiled Laws.

(3) After the completion of a person's sentence, the person may request a hearing before the state board on reinstatement of his or her teaching certificate. Based upon the issues and evidence presented at the hearing, the state board may reinstate, continue the suspension of, or permanently revoke the person's teaching certificate.

(4) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's teaching certificate shall be reinstated upon his or her notification to the state board of the reversal.

(b) If the suspension of the person's teaching certificate under this section was the sole cause of his or her discharge from employment, the person shall be reinstated, upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(5) The prosecuting attorney of the county in which a person who holds a teaching certificate was convicted of a crime described in subsection (1) shall notify the state board, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed, of that conviction and of the sentence imposed on the person. The prosecuting attorney of each county shall inquire of each person convicted in the county of a crime described in subsection (1) whether the person holds a teaching certificate.

(6) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified by a prosecuting attorney or learns through an authoritative source that a person who holds a teaching certificate and who is employed at the time by the school district, intermediate

school district, or nonpublic school has been convicted of a crime described in subsection (1), the superintendent, chief administrative officer, or board president shall notify the state board of that conviction.

(7) If a person convicted of a crime described in subsection (2) is incarcerated in a state correctional facility and the state board delays summary suspension as described in subsection (2), the state board shall contact the department of corrections and request to be notified before the person is released from secure confinement. Upon receipt of that request, the department of corrections shall notify the state board at least 30 work days before the person is released from secure confinement.

(8) For the purposes of this section, a certified copy of the court record is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this subsection is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate.

(9) This section does not do any of the following:

(a) Prohibit a person who holds a teaching certificate from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds a teaching certificate.

(c) Exempt a person who holds a teaching certificate from the operation of section 1539a if the person also holds a school administrator's certificate.

(10) The state board may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(11) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "State correctional facility" means a correctional facility under the jurisdiction of the department of corrections.

Sec. 1539a. (1) Subject to subsection (2), if a person who holds a school administrator's certificate that is valid in this state is convicted of a crime described in this subsection, the state board shall notify the person in writing that his or her school administrator's certificate may be suspended because of the conviction and of his or her right to a hearing before the state board. If the person does not avail himself or herself of this right to a hearing within 30 working days after receipt of this written notification, the school administrator's certificate of that person shall be suspended. If a hearing takes place, the state board may suspend the person's school administrator's certificate based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(*i*) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(*ii*) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(*iii*) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(*iv*) A misdemeanor violation of section 7410 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7410 of the Michigan Compiled Laws.

(*v*) A violation of section 115, 141a, 145a, or 359 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.115, 750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws, or a misdemeanor violation of section 81, 81a, or 145c of Act No. 328 of the Public Acts of 1931, being sections 750.81, 750.81a, and 750.145c of the Michigan Compiled Laws.

(*vi*) A misdemeanor violation of section 33 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33 of the Michigan Compiled Laws.

(2) If a person who holds a school administrator's certificate that is valid in this state is convicted of a crime described in this subsection, the state board shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's school administrator's certificate under section 92 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.292 of the Michigan Compiled Laws. However, if a person convicted of a crime described in this subsection is incarcerated in a state correctional facility, the state board may delay ordering the summary suspension until not later than 10 work days after the person is released from secure confinement. This subsection does not limit the state board's ability to order summary suspension of a person's school administrator's certificate for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410, and 333.7416 of the Michigan Compiled Laws.

(e) A violation of section 83, 89, 91, 316, 317, or 529 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.83, 750.89, 750.91, 750.316, 750.317, and 750.529 of the Michigan Compiled Laws.

(3) After the completion of the person's sentence, the person may request a hearing before the state board on reinstatement of his or her school administrator's certificate. Based upon the issues and evidence presented at the hearing, the state board may reinstate, continue the suspension of, or permanently revoke the person's school administrator's certificate.

(4) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's school administrator's certificate shall be reinstated upon his or her notification to the state board of the reversal.

(b) If the suspension of the person's school administrator's certificate under this section was the sole cause of his or her discharge from employment, the person shall be reinstated, upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(5) The prosecuting attorney of the county in which a person who holds a school administrator's certificate was convicted of a crime described in subsection (1) shall notify the state board, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed, of that conviction and of the sentence imposed on the person. The prosecuting attorney of each county shall inquire of each person convicted in the county of a crime described in subsection (1) whether the person holds a school administrator's certificate.

(6) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified by a prosecuting attorney or learns through an authoritative source that a person who holds a school administrator's certificate and who is employed at the time by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1), the superintendent, chief administrative officer, or board president shall notify the state board of that conviction.

(7) If a person convicted of a crime described in subsection (2) is incarcerated in a state correctional facility and the state board delays summary suspension as described in subsection (2), the state board shall contact the department of corrections and request to be notified before the person is released from secure confinement. Upon receipt of that request, the department of corrections shall notify the state board at least 30 work days before the person is released from secure confinement.

(8) For the purposes of this section, a certified copy of the court record is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this subsection is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's school administrator's certificate.

(9) This section does not do any of the following:

(a) Prohibit a person who holds a school administrator's certificate from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds a school administrator's certificate.

(c) Exempt a person who holds a school administrator's certificate from the operation of section 1535a.

(10) The state board may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(11) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "State correctional facility" means a correctional facility under the jurisdiction of the department of corrections.

Sec. 1539b. (1) Subject to subsection (2), if a person who holds state board approval is convicted of a crime described in this subsection, the state board shall notify the person in writing that his or her state board approval may be suspended because of the conviction and of his or her right to a hearing before the state board. If the person does not avail himself or herself of this right to a hearing within 30 working days after receipt of this written notification, the person's state board approval shall be suspended. If a hearing takes place, the state board may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

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(a) Any felony.

(b) Any of the following misdemeanors:

(*i*) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(*ii*) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(*iii*) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(*iv*) A misdemeanor violation of section 7410 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7410 of the Michigan Compiled Laws.

(*v*) A violation of section 115, 141a, 145a, or 359 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.115, 750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws, or a misdemeanor violation of section 81, 81a, or 145c of Act No. 328 of the Public Acts of 1931, being sections 750.81, 750.81a, and 750.145c of the Michigan Compiled Laws.

(*vi*) A misdemeanor violation of section 33 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being section 436.33 of the Michigan Compiled Laws.

(2) If a person who holds state board approval is convicted of a crime described in this subsection, the state board shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's state board approval under section 92 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being section 24.292 of the Michigan Compiled Laws. However, if a person convicted of a crime described in this subsection is incarcerated in a state correctional facility, the state board may delay ordering the summary suspension until not later than 10 work days after the person is released from secure confinement. This subsection does not limit the state board's ability to order summary suspension of a person's state board approval for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410, and 333.7416 of the Michigan Compiled Laws.

(e) A violation of section 83, 89, 91, 316, 317, or 529 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.83, 750.89, 750.91, 750.316, 750.317, and 750.529 of the Michigan Compiled Laws.

(3) After the completion of the person's sentence, the person may request a hearing before the state board on reinstatement of his or her state board approval. Based upon the issues and evidence presented at the hearing, the state board may reinstate, continue the suspension of, or permanently revoke the person's state board approval.

(4) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's state board approval shall be reinstated upon his or her notification to the state board of the reversal.

(b) If the suspension of the state board approval was the sole cause of his or her discharge from employment, the person shall be reinstated upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(5) The prosecuting attorney of the county in which a person who holds state board approval was convicted of a crime described in subsection (1) shall notify the state board, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed, of that conviction and of the sentence imposed on the person. The prosecuting attorney of each county shall inquire of each person convicted in the county of a crime described in subsection (1) whether the person holds state board approval. The state board shall make available to prosecuting attorneys a list of school occupations that commonly require state board approval.

(6) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified by a prosecuting attorney or learns through an authoritative source that a person who holds state board approval and who is employed at the time by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1), the superintendent, chief administrative officer, or board president shall notify the state board of that conviction.

(7) If a person convicted of a crime described in subsection (2) is incarcerated in a state correctional facility and the state board delays summary suspension as described in subsection (2), the state board shall contact the department of corrections and request to be notified before the person is released from secure confinement. Upon receipt of that request, the department of corrections shall notify the state board at least 30 work days before the person is released from secure confinement.

(8) For the purposes of this section, a certified copy of the court record is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this subsection is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's state board approval.

(9) This section does not do any of the following:

(a) Prohibit a person who holds state board approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state board approval.

(c) Exempt a person who holds state board approval from the operation of section 1535a or 1539a, or both, if the person holds a certificate subject to 1 or both of those sections.

(d) Limit the ability of a state licensing body to take action against a person's license or registration for the same conviction.

(10) The state board may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(11) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "State board approval" means a license, certificate, endorsement, permit, approval, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a or a school administrator's certificate subject to section 1539a, that is issued to a person by the state board under this act or a rule promulgated under this act.

(c) "State correctional facility" means a correctional facility under the jurisdiction of the department of corrections.

Sec. 1561. (1) Except as otherwise provided in this section, every parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to a public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated by his or her parent or legal guardian at the child's home in an organized educational program that is appropriate given the age, intelligence, ability, and any psychological limitations of the child, in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

Sec. 1602. The board of a first class school district or other school district having a population of more than 10,000, after having secured the approval of the state board, may establish collegiate and noncollegiate courses of study. These collegiate courses, except in school districts of the first class, shall not embrace more than 2 years of collegiate work. The courses, collectively and exclusive of the regular K to 12 grades, shall be known and designated as the community college of the district school system.

Sec. 1621a. A school district or intermediate school district has the power of eminent domain for acquiring title in fee or interest in sites for new schools, agricultural sites, athletic fields, parks, playgrounds, or other school facilities, or for the improvement or expansion of existing school facilities, and shall exercise that power according to the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws.

Sec. 1703. (1) Special education personnel shall meet the qualifications and requirements of rules promulgated by the state board.

(2) Curriculum, eligibility of specific persons for special education programs and services and for each particular program or service, review procedures regarding the placement of persons in the programs or services, size of classes, size of programs, quantity and quality of equipment, supplies and housing, adequacy of methods of instruction, and length and content of school day shall be in accordance with rules promulgated by the state board relative to special education programs and services.

(3) Not later than September 30, 1996, the state board shall conduct a review of all rules promulgated by the state board or department pertaining to special education. The review shall consider at least all of the following:

(a) The need to eliminate unnecessary separation and duplication between regular education and special education facilities, staff, programs, services, and pupils.

(b) Potential benefits from coordination between all relevant federal, state, regional, and local organization services, including public and private organization services, for pupils with special needs, and encouragement of the provision of comprehensive necessary services delivered by the most appropriate organization or person in the most cost-effective and programmatically effective manner.

(c) The advisability of simplification of rules or regulations and processes relating to identification of need and provision of services to special needs pupils, avoidance of barriers and cost and other penalties or discouragements to effective programming, and avoidance of requirements as to staff or program criteria that are not research based; allowing and encouraging reasonably flexible, workable, and, if appropriate, cooperatively operated comprehensive services, including reasonable endorsement or other qualification categories for personnel, to be delivered to pupils with related or similar special needs, as may be consistent with research.

(d) A goal of providing educational and training services in a manner that maximizes for the benefit of the pupil the combination of the provisions of this act and federal law relating to inclusion, while avoiding, to the degree reasonably possible, requiring by rule an overall increase in a program or service beyond that required before December 23, 1978.

Sec. 1851a. If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the state board or the department shall not promulgate rules under this act.

Section 2. The following sections and parts of Act No. 451 of the Public Acts of 1976 are repealed:

PART	SECTION NUMBERS	MICHIGAN COMPILED LAWS NUMBERS
2	71 to 87	380.71 to 380.87
3	101 to 155	380.101 to 380.155
3A	171 to 187	380.171 to 380.187
4	201 to 260	380.201 to 380.260
5	301 to 362	380.301 to 380.362
8	805 to 812	380.805 to 380.812
	862a	380.862a
	1132	380.1132
	1147b	380.1147b
	1149	380.1149
	1150	380.1150
	1154	380.1154
	1156	380.1156
	1158	380.1158
	1167	380.1167
	1168	380.1168
	1171	380.1171
	1171a	380.1171a
	1173 to 1174a	380.1173 to 380.1174a
	1176	380.1176
	1186	380.1186
	1202a to 1204	380.1202a to 380.1204
	1205	380.1205
	1210	380.1210
	1232	380.1232

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